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FROM

*The Council*











*His Excellency*  
*Secretary of the*

JOURNAL

*State Department*

OF THE

COUNCIL,

FOURTH ANNUAL SESSION,

1846

FOURTH LEGISLATIVE ASSEMBLY,

OF THE TERRITORY OF WISCONSIN,

HELD AT MADISON

ON THE FIRST MONDAY OF JANUARY, ONE THOUSAND  
EIGHT HUNDRED AND FORTY-SIX

PRINTED BY AUTHORITY.

MADISON, W. T.

WISCONSIN HALL: TERRITORIAL PRINTER  
1846













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**JOURNAL**  
OF THE  
**C O U N C I L**  
OF THE  
**Fourth Legislative Assembly**  
OF  
**WISCONSIN TERRITORY.**

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Fourth Annual Session of the Fourth Legislative Assembly of the Territory of Wisconsin, begun and holden at Madison, W. T., on the first Monday, being the fifth day of January, eighteen hundred and forty six, pursuant to law. At twelve o'clock, M. the roll was called by Ben C. Eastman, Secretary, when the following members appeared and took their seats, to wit:

*From the Counties of Brown, Manitowoc, Sheboygan, Calumet, Fond du Lac, Winnebago, Marquette, and Portage—*Randall Wilcox.

*From the Counties of Rock and Walworth—*Charles M. Baker and Edward V. Whiton.

*From the County of Iowa—*Moses M. Strong.

*From the County of Grant*—Nelson Dewey and John H. Rountree.

*From the County of Milwaukee*—Jacob Kimball, James Kneeland and Curtis Reed.

*From the County of Crawford*—Wiram Knowlton.

*From the County of Racine*—Michael Frank and Marshall M. Strong.

*From the Counties of Dane, Dodge, Green, Jefferson and Sauk*—John Catlin.

The Secretary announced that all of the members of the Council were in attendance.

On motion of Moses M. Strong,

The Council proceeded to the election of President of the Council.

Moses M. Strong nominated Nelson Dewey, for the office of President.

The Secretary appointed Marshall M. Strong and Whiton tellers.

A ballot having been taken the tellers reported as follows, to wit:

The whole number of votes are	13
Necessary to a choice	7
Nelson Dewey received	12
Blank	1

The Secretary announced that Nelson Dewey having received a majority of all the votes cast, was duly elected President of the Council.

Moses M. Strong moved that a committee of two be appointed to conduct the President to the chair;

Which passed in the affirmative.

Moses M. Strong and Whiton were appointed said committee, who having performed the duty assigned to them, the President having taken the chair addressed the Council as follows:

“COUNCILLORS—The canvass which has just taken place again organizes this Council for the discharge of those duties which our representative character imposes upon us.

Coming direct from the body of the people, it is presumed

that we bring with us a partial knowledge at least of their wants, and of the remedies to be applied by legislation to the existing laws which experience has shown to be necessary for extending and securing the happiness and welfare of the country.

It is to be hoped that in devising such measures as may be necessary to carry out these objects, that unity and harmony may govern our deliberations, our intercourse with each other and with the other branch of the Assembly. Such unity of action and harmony of purpose is rendered still more desirable at the present session as Congress has seen proper to limit this session of the Assembly to a very short period of time by curtailing the appropriation necessary to continue it the necessary length of time.

It has been your pleasure, gentlemen, in discharging your duties as representatives of the people to select me to preside over your deliberations. The most appropriate acknowledgment that I can make to you for this mark of your confidence and esteem, is, and will be, a faithful and an impartial discharge of the duties which the station imposes upon me. Relying upon your assistance and co-operation for support when difficulties shall surround the chair, and upon your forgiveness when error shall be committed, I accept with gratitude the place to which you have elected me.

In conclusion, gentlemen, you will be pleased to accept of my grateful acknowledgments for this manifestation of your kindness towards me."

On motion of Moses M. Strong,

The Council proceeded to the election of Secretary of the Council.

Moses M. Strong nominated Ben C. Eastman for that office.

The President appointed Messrs. Moses M. Strong and Rountree, tellers.

A ballott having been taken, the tellers reported as follows, to wit :

Whole number of votes	13
-----------------------	----

Ben C. Eastman received	13
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The President announced that Ben C. Eastman having re-

ceived the whole number of votes was unanimously elected Secretary of the Council.

Mr. Frank moved that Augustus Quarles be appointed Doorkeeper, *pro tem*.

Mr. Knowlton moved that Joseph Brisbois be appointed Doorkeeper *pro tem*.

The question was first put upon the motion of Mr. Frank. Which was decided in the negative.

The question was then put upon the motion of Mr. Knowlton, and

Decided in the affirmative,

And Joseph Brisbois was appointed Doorkeeper *pro tem*.

On motion of Moses M. Strong,

Edward Hays was appointed Messenger *pro tem*.

On motion of Mr. Kneeland,

John M. Wells was appointed Assistant Secretary *pro tem*.

On motion of Mr. Baker,

Elijah Isham was appointed Fireman *pro tem*.

On motion of Moses M. Strong, it was

**Resolved**, That the rules of the former session of the Council be adopted as the rules of the present session until others are adopted.

Mr. Kneeland moved that the Council do now proceed to the election of Chaplain to the Council ;

Which motion was put

And decided in the negative.

Moses M. Strong offered the following resolution :

**“ Resolved**, (the House of Representatives concurring) That the standing joint rules of the two Houses of the last session be adopted as the joint rules of the two Houses for the present session, until others are adopted.”

Which resolution was adopted.

On motion of Moses M. Strong, it was

**Resolved**, That the Secretary be instructed to inform the House of Representatives of the organization of the Council, and that the Council is now ready to proceed to business.

On motion of Moses M. Strong,

The Council proceeded to the election of Chaplain.

Mr. Catlin nominated Stephen McHugh.

Mr. Baker nominated Samuel E. Miner.

The President appointed Messrs. Baker and Frank tellers.

A ballot having been taken, the tellers reported as follows,

to wit:

Whole number of votes,	13
Necessary to a choice,	7
Stephen McHugh received	7
Samuel E. Miner received	6

The President announced that Stephen McHugh, having received a majority of all the votes cast, was duly elected Chaplain of the Council.

A message from the House of Representatives, by their chief clerk,

“Mr. President—I am directed to inform the Council that the House of Representatives have organized permanently by the election of the Hon. Mason C. Darling, Speaker, and are now ready to proceed to business, and that Messrs. Hoard and Sheldon have been appointed a committee on the part of the House to act in conjunction with a similar committee on the part of the Council, to wait upon his Excellency, the Governor and inform him that the two Houses are now permanently organized and ready to receive any communication he may have to make to them.”

The President appointed Messrs. Moses M. Strong and Rountree the committee on the part of the Council to act in conjunction with the committee appointed on the part of the House of Representatives to wait upon the Governor and inform him of the organization of the two Houses, and that they are now ready to receive any communication he may have to make to them.

And the said committee having performed the duty assigned them, reported

That the Governor had informed the committee that he would in person communicate to the two Houses in the Representatives' hall, at twelve o'clock, M.

On motion of Mr. Knowlton,  
Council adjourned.



**TUESDAY, Jan. 6, 1846.**

At ten o'clock the Council met.

Prayer by Rev. Mr. McHugh.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

The following petitions were severally presented and referred, to wit :

By Mr. Whiton. Petition of Aaron F. Wilkinson and others, praying for the passage of a law authorizing the people of the Territory to vote on the question of forming a state government ;

Which was laid on the table.

By Marshall M. Strong. Petition of Mark Burris and 96 others, citizens of Racine, praying that a company may be incorporated to build a rail road from Racine to the Mississippi river ;

Which was referred to committee on Incorporations.

Also, petition of Matthew B. Mead and 90 others, citizens of Racine, asking the Legislature to pass a law authorizing the people to vote for state government on the first Tuesday of April next ;

Which was laid on the table.

By Mr. Catlin. Petition of Adin Burdick and others, praying for a law to authorize the collection of a special tax for the erection of a school house ;

Which, on his motion, was referred to a select committee of three.

The President appointed Messrs. Catlin, Whiton and Moses M. Strong said committee.

Also, proceedings of a public meeting in Dane county, praying for the organization of a town by the name of Albion ;

Referred to committee on the Judiciary.

By Mr. Frank. Petition of the inhabitants of Racine county on the subject of state government ;

Which was laid on the table.

rooms, to keep the halls of the capitol clean, and to perform such other necessary labor about the capitol as the Superintendent shall direct ;”

Which was adopted.

Marshall M. Strong introduced,

No. 1, (C.) “ Resolution relative to the termination of the present session of the Legislative Assembly ;”

Which is as follows :

“ *Resolved*, by the Council and House of Representatives, That the present session of the Legislature shall terminate on Wednesday the 26th day of January, 1846.”

Mr. Kneeland moved to amend said resolution, by striking out “ 26th day of January,” and insert in lieu thereof, “ 2d day of February ;”

Which amendment was adopted.

The question then being on the passage of the said resolution,

It was decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered, they were as follows:

Ayes—Messrs. Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Marshall M. Strong, Moses M. Strong and Wilcox.

Noes—Messrs. Baker, Catlin, Whiton and Dewey, (President.)

So said resolution was adopted.

Marshall M. Strong, on leave, the rules having been suspended for that purpose, introduced

No. 1, (C.) “ A bill to authorize persons having a lien upon land to pay the taxes upon the same ;” Also,

No. 2, (C.) “ A bill relating to coroners ;”

Which were severally read the first and second times.

The officers elect then appeared at the President’s desk, and were severally sworn to the faithful discharge of their respective offices.

Mr. Whiton, on leave, the rules having been suspended for that purpose, introduced

No. 3, (C.) “ A bill providing for authentic statements as to the title of real estate ;” Also,

No. 4, (C.) "A bill to define the time when liens on real estate shall take effect;" Also,

No. 5, (C.) "A bill respecting judgments in criminal cases;"

Which were severally read the first and second times.

On motion of Mr. Frank,

"*Resolved.* That all editors of newspapers in this Territory be admitted to seats within the bar of this House."

A message from the House of Representatives, by their chief clerk:

"Mr. President—I am directed to inform you that seats have been prepared in the Representatives' Hall for the accommodation of the Hon. Council preparatory to the reception of the message of His Excellency, the Governor."

On motion of Mr. Catlin,

The Council proceeded to the hall of the House of Representatives, where the Governor, Henry Dodge, appeared and delivered the following message, to wit:

*Fellow Citizens of the Council  
and House of Representatives:*

You are assembled in conformity to a law of this Territory to perform the responsible duties that devolve on you as the Representatives of the people.

We have abundant cause to be thankful to the Almighty Disposer of all good, for the very abundant harvests with which he has been pleased to reward the husbandman during the past year. Our citizens, who cultivate the soil, are rapidly developing the agricultural resources of the Territory. Our prairies are being converted into luxuriant fields. We have inexhaustible stores of mineral wealth. Our climate is of the most salubrious character, and our soil suited to the production of every thing necessary for the comfort of man. We have the great lakes, Michigan and Superior, (our inland seas) on the east and north, and the Father of Rivers on the west; with several large rivers passing through our Territory in different directions. With a population intelligent, industrious and enterprising, the growth and prosperity of Wisconsin

By Mr. Baker. Petition of Lewis Curtis and 48 others, citizens of Geneva, praying for the passage of a law referring the question of granting licenses to sell spirituous liquors to the several towns and precincts in this Territory ;

Also, petition of H. L. Hall and 39 others, on the same subject ;

Which were severally laid on the table.

By Mr. Kneeland. Petition from the First Baptist Society of Milwaukee, praying for an act of incorporation ; Also,

Petition from A. Finch, jr. and 88 other citizens of Milwaukee, praying for the passage of a rail road charter from Milwaukee to Mississippi river ; Also,

Petition from Miss Butterfield and 50 other ladies of Milwaukee, praying for a change of the law regulating the sale of intoxicating liquors.

Severally laid on the table.

Mr. Kneeland offered the following resolution :

*“Resolved, That the Secretary be directed to furnish to the Post Master of this town the names of all the members of the Council, and that the postage during the present session be paid out of the moneys appropriated for the expenses of the Legislative Assembly.”*

Mr. Baker moved to amend said resolution, by adding thereto the following proviso :

*“Provided, the postage so paid for any one member shall not exceed five dollars.”*

The question on the amendment having been put,

It was decided in the negative.

The question was then put on the said resolution, and the same was adopted.

A message from the House of Representatives, by their chief clerk :

*“Mr. President—The House of Representatives have adopted the standing joint rules of the two Houses of the last session, for the government of the two Houses during the present session, until others are prepared and adopted.”*

On motion of Moses M. Strong,

*“Resolved, That the Council do now proceed to the election of officers for the Council.”*

Marshall M. Strong nominated Augustus Quarles for Assistant Secretary.

Mr. Knowlton nominated Joseph Brisbois for Doorkeeper.

Mr. Wilcox nominated J. S. Schooly for Messenger.

Moses M. Strong nominated Edwin Hays for Fireman.

Messrs. Knowlton and Reed were appointed tellers.

A ballot having been taken, the tellers reported as follows:

The whole number of ballots for Assistant Secretary, Doorkeeper, Messenger and Fireman were	11
Necessary to a choice,	6
For Assistant Secretary, Augustus Quarles received	11
For Doorkeeper, Joseph Brisbois received	11
For Messenger, J. S. Schooly received	11
For Fireman, Edwin Hays received	11

The President announced that Augustus Quarles, Joseph Brisbois, J. S. Schooly and Edwin Hays, having received a majority of all the votes for the offices for which they were respectively nominated, were duly elected thereto.

On motion of Mr. Kneeland,

*"Resolved*, That the Secretary of the Council be authorized to employ some suitable person to assist in doing the necessary writing for the Council during the present session."

Mr. Reed offered the following resolution:

*"Resolved*, That each member of the Council may order for his use, during the present session of the Legislative Assembly, any number of newspapers printed in this Territory not exceeding forty per week, and that the same be paid for out of the appropriation for the payment of the expenses of the Legislative Assembly."

Mr. Catlin moved to amend the said resolution by striking out the word "forty," and insert in lieu thereof "thirty."

And the question on said amendment having been put,

It was decided in the negative.

The said resolution was adopted.

Moses M. Strong offered the following resolution:

*"Resolved*, by the Council and House of Representatives, that the Superintendent of Territorial Property be authorized to employ some suitable person as fireman to the committee

continues to be a source of much litigation in the courts of justice, unprofitable to the government, and expensive and harrassing to the citizens of the Territory. From a statement made by the Register of the Land Office for the Wisconsin land district, there appears to be reserved from sale, as lead mines, or timbered lands for smelting purposes in that land district, one hundred and one thousand acres. This reservation was made by the Superintendent of the lead mines more than ten years since, and embraces a desirable portion of the mineral region of country. The larger proportion of the reserve is land well adapted to agricultural purposes. These lands have been entirely unproductive to the government, and are lessened in value from the fact that much valuable timber has been taken from them.

The relation of landlord and tenant should not exist in this government as between the government and its citizens ; it is certainly contrary to the spirit of our free institutions. The present leasing system of the United States lead mines, makes the lessee a tenant at the will of the agents of the government, unless he pays the stipulated rent, agreeable to the conditions of the lease. The rent is a direct tax, or tribute, paid the government, on the labor of the miner, which has proved unproductive to the government, and unjust in its effects on the mining interests. There can be no doubt but that the true policy of the government is to sell the lead mines, extending the right of pre-emption to resident miners and settlers ; they will then be opened to individual enterprise ; there will be an increased quantity of lead manufactured, affording the people of the United States a cheap and abundant supply of that article, and a surplus for exportation.

The commerce of Lake Michigan has increased within a few years in a ratio far exceeding any other inland waters in the United States. Congress has made appropriations for the construction of harbors at the towns of Milwaukee, Racine and Southport, on the western shore of the lake, which have been expended under the direction of the War Department, in the prosecution of these works. According to the established usage of the government, additional appropriations may be expected until their completion.

Estimates have been made, under the direction of the War Department, for harbors at the mouths of the Sheboyagan and Manitouwoc rivers, where towns have been commenced, and are increasing in commercial importance, and the country settling rapidly in the interior with enterprising inhabitants, who merit all the aid that can be derived from the most secure navigation of the lake. From the extent of the lake coast, between Milwaukee and Green Bay, and the great advantage to be derived from the construction of harbors at the mouths of the rivers referred to, in a commercial point of view, I recommend to the Legislative Assembly the propriety of memorializing Congress, asking for appropriations sufficient for the commencement of harbors at the points designated.

Wisconsin has a coast on the western shores of Lake Michigan of four hundred miles in extent; in that distance there are but few rivers that discharge themselves into the lake, which afford suitable situations for harbors. The construction of harbors on this extensive coast, I consider are works of a national character, in which the United States are directly interested in a military point of view. In the event of a war, the government is bound to afford protection to its citizens; and to afford that protection, it is necessary there should be safe harbors constructed, where troops and the necessary munitions of war could be safely landed, for the security and safety of the lake towns, as well as the lake border settlements, as the whole extent of the northern frontier of Wisconsin. The United States are now in a state of peace with England; should they, however, change their present peaceful relations with that power, it would seem that the necessary preparations should be made at an early period, to guard against a state of things that must take place sooner or later.

I recommend the memorializing of Congress on the subject of the removal of the obstructions in the navigation of the Mississippi, at the Upper and Lower Rapids. It is a subject of vital interest to the people residing in the western counties of this Territory.

The commerce of the Upper Mississippi has increased much in importance within the last few years. The delay of lying steamboats to enable them to cross the rapids

sin must be onward ; and the time is not far distant when she will form one of the most populous States of the Union.

I respectfully recommend the passage of a law, submitting to the people of the Territory the expediency of determining by a majority of their votes, whether they are for or against a State Government. If they are in favor of that measure, the preparatory steps to carry into effect their wishes on that subject should be taken without loss of time. If they determine by their votes against that measure, their will will be ascertained and the public mind put to rest on that important subject.

The people are the source of all power, under our republican form of government, and are competent at all times to determine for themselves what will best promote their political interests. Their will, when known and expressed, should always be obeyed.

I respectfully invite your attention to the existing laws of the Territory regulating Common Schools. It is believed that a revision of them would have a salutary effect. The present has been denominated an age of improvement. The human mind is seizing and carrying out to practical results the momentous truths which respect the relations of men to each other, and the appropriate means of accomplishing the purposes of human society and government. At the foundation of this vast movement lies the work of educating the great mass of the people. The elective franchise is the foundation of our liberties ; and the permanency and perpetuity of our republican institutions must depend on the intelligence of the people, who, knowing their rights, will maintain them.

The Territorial Debt is a subject of great interest to the people. I have not had the means of ascertaining the precise amount of the indebtedness of the Territory, nor the amount of the tax created by the Legislature for its payment. It is certainly not a large debt. As an act of justice to the creditors of the Territory, their demands should be paid as early as possible ; as well as to sustain the standing of the Territory abroad, in meeting properly the public engagements.



The situation of the Territory for want of a Penitentiary, is a subject worthy of the consideration of the Legislative Assembly. By the laws of the Territory, criminals convicted of crimes of a high grade are sentenced to confinement in the state prison for a term of years, and are committed to the county jails for safe keeping, for want of a Penitentiary, where they are confined at the expense of the Territory. I have no means by which to make an estimate of the amount paid by the people of the Territory for the maintenance and safe keeping of convicts in jails, since the organization of the Territorial Government. I have no doubt, however, that the amount paid would have been sufficient to have erected a suitable Penitentiary for their safe keeping, and giving profitable employment to them. With our increased population, it would seem to require that some steps should be taken to raise funds for the erection of a Penitentiary. It would be proper to memorialize Congress, asking for an appropriation for that object; that body appears disposed, however, to make our Territorial appropriations as small as possible.\*

The representatives of the people, coming immediately from their constituents, know their wants and wishes upon all subjects of legislation; they know the state of the Territorial debt, and the means of discharging it, and the resources of those whose interests they represent.

The spirit of the age we live in, as well as the humanity of our laws, are opposed to capital punishment, except for the highest grade of crime. The great purpose of criminal law is reformation. This purpose is the foundation of the Penitentiary system, which combines with imprisonment, hard labor, and a course of moral discipline suited to reclaim offenders to the paths of rectitude and virtue. This effect cannot be produced in county jails where the convict has no employment. But the continuance of his confinement is calculated to prepare his mind for the commission of higher offences.

I recommend the memorializing of Congress on the subject of the sale of the United States lead mines and reserved mineral lands. The occupation of the United States lead mines under the present leasing system, has heretofore been and

stage of the river, is calculated to produce much inconvenience and additional expense in the price of freight and transportation, as well as the loss of property, and frequently at the risk of the lives of those engaged in this perilous navigation. The people of the state of Illinois and the territory of Iowa are the proprietors of the country embracing the rapids on both sides of the Mississippi, and no doubt they feel a deep interest in the improvement of their navigation. The citizens of Wisconsin feel a common interest in this improvement. This interest pervades the whole country on the Mississippi, from St. Peter's to the Gulf of Mexico.

This Territory is advantageously situated for an extended system of internal improvement. The General Government has, however, heretofore limited its appropriations for that important object. The improvement of the navigation of the Wisconsin and Fox rivers, and uniting them by a canal at the Portage, would be the means of opening a direct communication between Lake Michigan and the Mississippi. This improvement is of national importance, by affording the United States great facilities for the transportation of troops, supplies and munitions of war, from the Lakes to the Mississippi, for the protection of our northern frontier. The country bordering on the Wisconsin and Fox rivers is settling rapidly with an industrious, enterprising population. The current of emigration is taking that direction, which greatly enhances the importance of this improvement in an agricultural and commercial point of view. Memorials have been forwarded to Congress, annually, from the Legislative Assembly, since the organization of the territorial government, asking appropriations for this object. This subject has been before both Houses of Congress. A bill passed the Senate, giving a grant of land for this improvement. The final action of the House of Representatives was not had on the bill pending before that body on the same subject. I respectfully recommend that a memorial be forwarded to Congress, asking for a suitable appropriation for this improvement.

The construction of a rail or M'Adamized road from Lake Michigan to the Mississippi, on the most practicable route

from and to those points which will afford the greatest facilities to our trade and commerce, is a subject of vital importance to the future growth and prosperity of Wisconsin.

Without the aid of the General Government, this work could not be commenced at this time. It appears to be the settled policy of the government to reduce the appropriations as low as possible for the territorial government; believing, as it would seem they do, that the time has arrived when Wisconsin should take the proper steps for the formation of a State Government. Should the Representatives of the people, however, deem it proper to take any steps on this important subject, compatible with the public interests, they will have my co-operation.

The improvement of the navigation of the Rock river, above the line of the State of Illinois, to the town of Jefferson, is a subject of much interest to that desirable section of country. The Rock river waters a large extent of fertile country, running near the center of the settled part of the Territory. On the borders of this river, there has sprung up, within the last few years, several important commercial towns and villages. This important improvement would have a tendency to promote the agricultural and commercial interests of the people in that part of the Territory, and would be preparatory to the improvement of the river of the Four Lakes. Since the organization of the Territorial Government, no appropriations have been made by Congress for the improvement of our rivers although memorials have been annually forwarded by the Legislative Assembly for that object. One cause of the failure, no doubt, in obtaining appropriations, has been, that we have asked for the improvement of too many small rivers. I think the best way to obtain the favorable action of Congress on our memorials, will be to ask appropriations for the improvement of our principal rivers in the first instance. I recommend the memorializing of Congress, asking a suitable appropriation for the improvement of the Rock River, above the line of the State of Illinois, to the point on that river designated.

At the last session of the Legislative Assembly, an act passed as a measure of relief to the settlers on the Canal Lands

granted to the Territory, (odd sections.) It appears by the provisions of the act referred to, that all the unsold portions of the Canal Grant are to be sold on the second Monday of April next.

I would respectfully submit to the Legislative Assembly, the propriety of extending the time for the sale of the Canal Lands, to give time for the action of Congress on this subject. It is a fact well known, that Congress has never acted upon the laws of this Territory except in a few cases of bank charters. No injury can result either to the Territory or the Government by a delay of the sale of the lands in question. I have no hesitation in expressing it as my opinion that Congress will extend to the settlers on the Canal Lands, the right of pre-emption, and to purchase their homes at the minimum price of the government lands. They are certainly entitled upon the principles of justice, as well as the usage of the government, to the favorable action of Congress by placing them on an equal footing with other settlers on the public lands.

I respectfully invite your attention to the present state of the militia of the Territory. On the 30th of November, 1840, the returns of the militia were made by the Adjutant General of the Territory, to the Adjutant General of the United States Army. The aggregate number was 5,223, at that period.— Under the act of Congress of 1808, regulating the quota of arms to be furnished to the several States and Territories, according to the returns of their militia, the quota for Wisconsin was forty-nine muskets. No returns of the militia have been made to the Adjutant General of the Army, since the date referred to. The number of muskets to which the Territory was entitled to the 30th of November, 1845, would be 249. On my requisition, sixty stands of muskets and equipments were received from the commanding officer at Fort Winnebago, and delivered to the officers commanding a volunteer company of light infantry, taking from the officers a bond, approved by the Attorney General of the Territory for the safe keeping and return of the muskets and equipments when required by the Executive of the Territory. The captain commanding the Iowa County Dragoons, in 1843, received on the requisition of the then Executive, fifty pairs of pistols and fifty swords, with

suitable cavalry equipments, which are now in the possession of that officer. Fifty pairs of pistols and fifty swords with suitable cavalry equipments, were ordered to Green Bay by my immediate successor in office. These cavalry arms and equipments are in the possession of a citizen of that place, subject to the order of the Executive.

I recommend the passage of a resolution of the Legislative Assembly, authorising the superintendent of the public buildings, to procure a suitable room at the expense of the Territory, for the safe keeping of the public arms and equipments.—As soon as I am advised that that arrangement has been made I will address the War Department on the subject of the remaining arms and equipments for the Territory. From the greatly increased immigration to the Territory, had the returns of the militia been made annually since the 30th of November, 1840, the Territory would now be in the receipt of at least 600 stand of muskets and equipments. The law of the 12th of April, 1843, repealing the law for mustering the militia, I recommend may be repealed. I am not disposed to recommend a measure that would put those who may be liable to perform militia duty to any serious inconvenience or loss of time. I deem it, however, indispensable to the efficiency of the militia, that there should be a reorganization of the system, from the great accession to the population of the Territory; and that the militia should be properly organized, officered, mustered, and an annual inspection of their arms.

We have to depend upon the militia for the defence of our extended frontier. Should they be called to perform the active duties of the field, they should be well armed and equipped, and properly disciplined, and made acquainted with the nature of the service required of them. Volunteer corps taken from the militia, have always been distinguished for their gallantry and efficiency in all our Indian wars since the revolution. The cause of their efficiency is apparent. They have the selection of their own officers to command them; they are well armed and equipped, and properly disciplined, which always gives them confidence in the face of an enemy; and withal, they possess in a high degree, that patriotism and love of country common to those who are defending their homes

and firesides against the attack of a common enemy. To show the spirit and promptness of volunteer corps, I deem this an appropriate occasion to state that a volunteer corps of light infantry (styled the Washington Guards) were recently organized in the town of Milwaukee. Immediately after the receipt of their arms and equipments, they tendered their services to the Executive of the Territory, stating that they were ready to take the field, should their services be required.— They, on that occasion, evinced a spirit of patriotism highly creditable to them, and worthy of imitation.

The Indians on our frontiers appear peaceably disposed, with the exception of the Winnebagoes. Frequent complaints were made during the past year, of their committing depredations on the property of the inhabitants of the frontier settlements. The complaints of the citizens of the Territory were forwarded to the Commissioner of Indian Affairs. I urged upon that department the necessity of a mounted force to remove the Winnebagoes to the neutral country. I received a letter from the Commissioner in September last, stating that the Sub-Indian Agent of the Winnebagoes had been instructed by his department to have the intruding Winnebagoes removed from Wisconsin. Since then I have not been advised that any steps have been taken by the sub-agent for their removal. I received a letter from Gen. Brooke, of the United States army, commanding the 3d military department, dated on the 19th of October, stating that a company of United States Dragoons would occupy Fort Crawford early in November last. That movement has failed. A memorial from the citizens of Crawford county, addressed to the President of the United States, has been forwarded to him, complaining of the continued depredations of the Winnebagoes on the property of the citizens of that county, and of their having killed a peaceable citizen in a neighboring county, and requesting that United States troops might again occupy Fort Crawford. I have addressed the President a letter on the subject of the memorial referred to, and have sustained the views of the memorialists; and expressed my views to him as to the proper course, in my opinion, to be taken in relation to the removal of the Winnebago Indians from the neutral country they now occupy. One

company of United States Dragoons stationed either at Fort Crawford, or Fort Winnebago, would be sufficient to remove all Indian intruders from Wisconsin. The Winnebago Indians pay no regard to their treaty stipulations with the government; they appear reckless and unprincipled, and unless the proper steps are taken to remove them from where they are now located, or restrain them within the limits of their own country, there is danger to be apprehended that they will be brought into collision with the frontier inhabitants of the Territory. A memorial from the Legislative Assembly, addressed to the Secretary of War, expressing the wishes of the people of the Territory, on the subject of our Indian relations, would no doubt have a good effect.

I submit, for your information, the report of the Adjutant General of the militia. His report commences with the first organization of the militia under the territorial government.—The suggestions of the Adjutant General, as to the changes in the present laws for the government of the militia, I recommend to your favorable consideration.

In conclusion, it remains for me to tender to the Legislative Assembly, my hearty co-operation in every well directed effort to promote the public good; trusting that we shall all feel how much we need the wisdom that comes from above, to enable us to direct our deliberations as to best promote the happiness and prosperity of the people of Wisconsin.

HENRY DODGE.

MADISON, January 6th, 1846.

The Council having returned to the Council chamber,

On motion,

*Ordered*, That seven hundred and fifty copies of the Governor's Message be printed for the use of the Council.

*Ordered*, That the Council adjourn.

## WEDNESDAY, January 7, 1846.

At ten o'clock the Council met.

Prayer by Rev. Mr. M'Hugh.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

The President announced the appointment of the following standing committees of the Council for the present session:

*On the Judiciary*—Messrs. Marshall M. Strong, Baker and Whiton.

*On Territorial Affairs*—Messrs. Baker, Catlin and Knowlton.

*On Internal Improvements*—Messrs. Moses M. Strong, Reed and Wilcox.

*On Incorporations*—Messrs. Wilcox, Marshall M. Strong and Kneeland.

*On Schools*—Messrs. Frank, Kimball and Rountree.

*On Agriculture and Manufactures*—Messrs. Kimball, Moses M. Strong and Frank.

*On Militia*—Messrs. Rountree, Frank and Baker.

*On Territorial Roads*—Messrs. Knowlton, Whiton and Kimball.

*On Engrossed Bills*—Messrs. Reed, Moses M. Strong and Kneeland.

*On Territorial Expenditures*—Messrs. Kneeland, Knowlton and Rountree.

*On Legislative Expenditures*—Messrs. Catlin, Reed and Wilcox.

*On Enrolled Bills*—Messrs. Whiton and Catlin.

The following petitions, &c. were presented and referred, to wit:

By Moses M. Strong. Petition of Samuel Davis and 20 others, citizens of Iowa county, praying for the passage of a law authorizing the people to vote on the question of state government;”

Which was laid on the table.



By Mr. Frank. Petition of 224 inhabitants of the town of Southport, for a charter to construct a rail road from Southport to Rock river ;"

Referred to the committee on Internal Improvements.

Also, petition of 78 inhabitants of the county of Racine, praying for the passage of a law submitting the question of the granting of licenses to the electors of the several towns ;

Referred to the committee on the Judiciary.

By Mr. Kimball. Petition of the trustees of the Prairieville Academy, praying for an amendment to the Prairieville academy grant ;

Which was referred to the committee on Schools.

Also, petition of Perry Putney and others, praying for a law giving a minor the right of conveying real estate ;

Which was referred to the committee on the Judiciary.

By Mr. Kneeland. Petition from J. W. Chubbuck and 153 other citizens of Milwaukee county, for a change of the law regulating the sale of intoxicating liquors ;

Which was referred to the committee on the Judiciary.

Also, petition from Henry Leiber and 29 other citizens of Milwaukee county, praying for a passage of a rail road charter from Milwaukee to the Mississippi river ;

Referred to committee on Internal Improvements.

Also, communication from John S. Rockwell ;

Referred to committee on Legislative Expenditures.

By Mr. Baker. Petition of E. Estabrook and 81 others of the town of Geneva, praying for the construction of a rail road from Southport to the Mississippi river ;

Referred to committee on Internal Improvements.

Moses M. Strong offered the following resolution :

"*Resolved*, by the Council and House of Representatives, That so much of the Governor's message as relates to state government, together with all petitions, remonstrances and documents relating to that subject, which have been or which may be presented in either House, be referred to a joint select committee of two members from the Council and four members from the House of Representatives ;"

Which was adopted.

Marshall M. Strong offered the following resolution :

" *Resolved*, by the Council and House of Representatives,  
That the joint rules of the two Houses of the last session be  
adopted as the joint rules of the present session ;

Which was adopted.

Mr. Kneeland offered the following resolution :

" *Resolved*, That the standing rules of the last session of  
the Council be adopted as the permanent rules of the present  
session, and that the usual number of copies be printed for  
the use of the Council ;"

Which was adopted.

Marshall M. Strong, on leave, the rules having been suspended for that purpose, introduced,

No. 6, (C.) "[A bill relating to the purchase and redemption  
of real estate sold on execution ;"

Which was read the first and second times.

Mr. Reed gave notice that he would, on to-morrow, or on  
some future day, ask leave to introduce

"A bill to extend the time for the sale of the canal lands,  
and for other purposes ;" Also,

"A memorial to Congress on the subject of the canal  
lands."

Moses M. Strong gave notice that he would, on some future  
day, ask leave to introduce

"A bill providing for and regulating the action of replevin  
before justices of the peace."

Mr. Knowlton, on leave, the rules having been suspended  
for that purpose, introduced

No. 7, (C.) "A bill to provide for the more convenient mode  
of contesting the election of county and other officers ;"

Which was read the first and second times, and the rule  
requiring the same to be printed was suspended.

Mr. Catlin gave notice that he would, on to-morrow or on  
some future day, ask leave to introduce

"A bill to amend an act concerning proceedings in courts  
of records, and for other purposes."

Mr. Knowlton, on leave, the rules having been suspended  
for that purpose, introduced

No. 8, (C.) "A bill concerning the boundary line between the counties of Crawford and Chippewa;"

Which was read the first and second times.

Mr. Catlin, from the select committee to which the petition on the subject had been referred, reported

No. 9, (C.) "A bill to authorize school district No. 4 in Dane county to levy an additional tax for building a school house;"

Which was read the first and second times.

On motion of Mr. Knowlton,

The rules were suspended in relation to

No. 7, (C.) "A bill to provide for the more convenient mode of contesting the election of county and other officers;"

And the Council went into committee of the whole thereon, Mr. Frank in the chair.

The committee rose and reported the same back to the Council without amendment;

And the same was ordered to be engrossed.

Moses M. Strong presented the resignation of Joseph Brisbois, Doorkeeper of the Council;

Which was accepted by the Council.

On motion of Moses M. Strong,

The Council proceeded to the election of Doorkeeper.

Mr. Reed nominated John M. Wells for that office.

Messrs. Moses M. Strong and Whiton were appointed tellers.

A ballot having been taken, the tellers reported:

The whole number of votes cast are,	13
Necessary to a choice,	7
John M. Wells received	11
Blank,	3

Whereupon, the President announced that John M. Wells was duly elected Doorkeeper;

Who then appeared at the President's desk, and was duly sworn to the faithful discharge of his duties.

On motion of Mr. Kneeland,

The following petitions, which had been laid on the table, were taken up and referred, to wit:

Petition of Lewis Curtis and 48 others, citizens of Geneva,

praying for the passage of a law referring the question of granting licenses to sell spirituous liquors to the several towns and precincts in this Territory ; Also,

Petition of H. L. Hall and 390 others, on the same subject ;  
And also,

Petition from Miss Butterfield and 50 other ladies of Milwaukee, praying for a change of the law regulating the sale of intoxicating liquors ;

Which were severally referred to the committee on the Judiciary.

Petition from A. Finch, jr. and 88 other citizens of Milwaukee, praying for the passage of a rail road charter from Milwaukee to the Mississippi river ;

Referred to the committee on Internal Improvements.

Petition from First Baptist Society of Milwaukee, praying for an act of incorporation ;

Referred to committee on Incorporations.

Marshall M. Strong offered the following resolution :

“ *Resolved*, by the Council and House of Representatives, That every claim against the Territory exceeding in amount the sum of one hundred dollars shall be acted upon by the Legislature in a bill by itself alone, and that no appropriation other than for the payment of such claims shall be incorporated in said bill.”

Moses M. Strong moved that the said resolution do lie on the table ;

And the question thereon having been put,

It was decided in the negative.

The said resolution was then adopted.

A message from the House of Representatives, by their chief clerk :

“ Mr. President—The House of Representatives have passed a resolution of this House relative to the employment of a fireman.”

Mr. Kneeland, on leave, presented the account of Benton & Garfield, for stationary furnished the Legislative Assembly in 1839 ; Also,

The account of H. L. Page, for candles furnished the Legislature for its present session ;

Which were severally referred to the committee on Legislative Expenditures.

On motion, the Council went into committee of the whole on the Governor's message;

Mr. Knowlton in the chair;

And after some time spent therein;

The committee rose and reported the following resolutions:

*"Resolved*, That so much of the message as relates to common schools, be referred to the committee on Schools.

*"Resolved*, That so much of the Governor's message as relates to the debt of the Territory, be referred to the committee on Territorial Affairs.

*"Resolved*, That so much of the Governor's message as relates to the more efficient organization of the militia, be referred to the committee on the Militia.

*"Resolved*, That so much of the Governor's message as relates to the penitentiary, be referred to the committee on the Judiciary.

*"Resolved*, That so much of the Governor's message as relates to the canal lands, be referred to the committee on Internal Improvements.

*"Resolved*, That so much of the message as relates to the lead mines and the leasing system, be referred to a select committee composed of the members of the Council from the counties of Iowa and Grant.

*"Resolved*, That so much of the message as relates to Internal Improvements and rail or McAdamized roads, be referred to the committee on Internal Improvements.

*"Resolved*, That so much of the Governor's message as relates to the improvement of harbors on Lake Michigan, be referred to a select committee to be composed of the delegates of Racine, Milwaukee and Brown districts.

*"Resolved*, That so much of the message as relates to the safe keeping of the public arms, be referred to the committee on the Militia.

*"Resolved*, That so much of the message as relates to our relations with the Indians within the Territory, be referred to the committee on Territorial Affairs.

*"Resolved*, That so much of the message as relates to the

improvement of the navigation of our rivers, be referred to the committee on Territorial Affairs."

A message from the House of Representatives, by their chief clerk :

" Mr. President—The House of Representatives have passed a resolution of this House adopting the joint rules of the two Houses of the last session for the government of the two Houses during the present session.

" And also, the following resolution :

" '*Resolved*, by the Council and House of Representatives, That so much of the Governor's message as relates to state government, together with all petitions remonstrances and documents relating to that subject, which have been or may be presented in either House, be referred to a joint select committee of two members of the Council and four members of the House of Representatives.'

" And also, the following :

" '*Resolved*, by the Council and House of Representatives, That every claim against the Territory, exceeding in amount the sum of one hundred dollars, shall be acted upon by the Legislature in a bill by itself alone ; and that no appropriation other than for the payment of such claim shall be incorporated in said bill.' "

On motion of Mr. Kimball,  
The Council adjourned.

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THURSDAY, Jan. 8, 1846.

Council met pursuant to adjournment.

Prayer by Rev. Mr. McHugh.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

The President laid before the Council the annual report of the Auditor of the Territory;

Which was ordered to be printed.

(See Appendix.)

The President appointed Messrs. Moses M. Strong and Frank the select committee on the part of the Council, under the resolution of yesterday, on so much of the Governor's message as relates to state government.

The following petitions, &c. were severally presented and referred, to wit:

By Mr. Rountree. Petition of the trustees of school district No. 7 in Grant county, asking for the passage of a law to enable them to build a school house;

Referred to the committee on Schools.

By Moses M. Strong. The account of Andrew J. Hewitt;

Referred to the committee on Territorial Expenditures.

By Mr. Whiton. Petition of A. S. Field and 278 others, of the town of Beloit, praying for the grant of a charter for a railroad from Southport to the Mississippi river;

Referred to committee on Internal Improvements.

By Marshall M. Strong. The account of Charles Wright;

Referred to the committee on Territorial Expenditures.

By Mr. Kneeland. The account of Moses M. Strong; Also,

The account of H. N. Wells;

Which were severally referred to committee on Territorial Expenditures.

By Mr. Frank. Petition of inhabitants of the town of Southport, praying for the passage of a law submitting the question of forming a state government to the people in April next;

Referred to the select committee on that subject.

By Mr. Kneeland. Petition from George Cogswell and 133 citizens of Milwaukee, praying for an act to incorporate the First Baptist Society of Milwaukee; Also

A letter from Alvin O. Woodsworth, secretary of Baptist Society, on the same subject;

Which were severally referred to committee on Incorporations.

Petition from Peter Yates and 43 other citizens of Milwaukee county, for a change of the law regulating the sale of intoxicating liquors ; Also,

Petition of Henry K. White and 73 others, on the same subject ;

Severally referred to committee on the Judiciary.

Mr. Frank offered the following resolution :

“ *Resolved*, That a select committee of three be appointed to ascertain what scrip or other evidences of debt, and how much is in the hands of the Treasurer of the Territory, which the Secretary of the Territory is instructed to pay, and that said committee report the same at an early day ;”

Which was adopted.

Whereupon. Messrs. Frank, Catlin and Rountree were appointed said committee.

Mr. Kneeland offered the following resolution :

“ *Resolved*, That the Superintendent of Territorial Property be and he is hereby instructed to deliver to the committee on Territorial Expenditures all accounts and claims against the Territory placed in his hands by the Secretary of the Council at the close of the last session ;”

Which was adopted.

Mr. Knowlton, on leave, introduced

No. 1, (C.) “ Joint resolution asking Congress for an appropriation to defray the expenses of taking the census of the inhabitants of Wisconsin Territory, and for the holding of a convention to form a state constitution ;”

Which was read the first and second times, and

Referred to the joint select committee on State Government.

Mr. Knowlton, on leave, introduced

No. 1, (C.) “ A memorial to the Congress of the United States, relative to certain roads in the counties of Crawford, Chippewa, St. Croix and La Point ;”

Which was read the first and second times.

Marshall M. Strong gave notice that he would, on some future day, ask leave to introduce a bill relating to suits on notes.



Mr. Catlin gave notice that he would, on some future day, ask leave to introduce a bill to incorporate the village of Madison.

Mr. Kneeland, from the committee to which their account had been referred, reported

No. 10, (C.) "A bill for the relief of Benton & Garfield;" Which was read the first and second times.

Mr. Reed, from the committee on engrossment, reported as correctly engrossed,

No. 7, (C.) "A bill to provide for the more convenient mode of contesting the election of county and other officers;"

Which was then taken up; and

On motion of Mr. Baker,

Re-committed to the committee of the whole.

The unfinished business of yesterday being in order,

The report of the committee of the whole on the Governor's message was taken up,

And adopted by the Council.

The Council then went into the committee of the whole on

No. 1, (C.) "A bill to authorize persons having a lien upon land to pay the taxes on the same;"

Moses M. Strong in the Chair.

Committee rose and reported said bill back to the Council, with amendments;

Which were concurred in.

On motion of Marshall M. Strong,

Said bill was re-committed to the committee on the Judiciary.

A message from the House of Representatives, by their chief clerk:

"Mr. President—The House of Representatives have appointed Messrs. Morrow, Mooers, Sheldon and Burnett, of the select committee on their part to act in conjunction with the committee appointed by this House on so much of the Governor's message as relates to state government, under the resolution of the two Houses of yesterday."

The Council then went into committee of the whole on

No. 2, (C.) "A bill relating to coroners;"

Mr. Whiton in the chair.

Committee rose and reported said bill back to the Council, without amendment, when,

On motion of Mr. Baker,

Said bill was referred to the committee on the Judiciary.

On motion of Moses M. Strong,

No. 3, (C.) "A bill providing for authentic statements as to the title to real estate,"

Was referred to committee on the Judiciary.

On motion of Marshall M. Strong,

No. 4, (C.) "A bill to define the time when liens on real estate shall take effect,"

Was referred to the committee on the Judiciary.

The Council then went into committee of the whole on

No. 5, (C.) "A bill respecting judgments in criminal cases ;"

Mr. Knowlton in the chair.

Committee rose and reported said bill back to the Council, without amendments, when the same was

Ordered to be engrossed for a third reading.

The Council then went into committee of the whole on

No. 7, (C.) "A bill to provide for the more convenient mode of contesting the election of county and other officers ;"

Mr. Kneeland in the chair.

Committee rose and reported said bill back to the Council, without amendments. when,

On motion of Mr. Knowlton,

The same was referred to committee on the Judiciary.

Mr. Catlin, on leave, introduced

No. 11, (C.) "A bill to amend the act concerning proceedings in courts of record, and for other purposes ;"

Which was read the first and second times, and

Referred to the committee on the Judiciary.

On motion of Marshall M. Strong,

The Council adjourned.

**FRIDAY, Jan. 9, 1846.**

**Council met pursuant to adjournment.**

**Prayer by Rev. Mr. McHugh.**

**The journal of yesterday was read, corrected, and signed by the President and Secretary.**

**The following petitions, accounts, &c. were presented and referred, to wit :**

**By Moses M. Strong. The account of John Atkinson ;**

**Referred to the committee on Territorial Expenditures.**

**By Mr. Whiton. Petition of David Noggle, in relation to two territorial bonds alleged to have been lost ;**

**Referred to the committee on Territorial Expenditures.**

**By Marshall M. Strong. The account of Simeon Mills ;**

**Referred to committee on Legislative Expenditures.**

**By Mr. Kneeland. Petition from Harriet Chamberlain and 68 other persons from Milwaukee county, for a change of the law regulating the sale of intoxicating liquors ; Also,**

**Petition from Wm. Moor and 17 others, on the same subject ;**

**Referred to committee on Judiciary.**

**By Mr. Kneeland. The account of Moses M. Strong ;**

**Referred to committee on Territorial Expenditures.**

**By Mr. Frank. Resolution adopted at the last annual meeting in the town of Pleasant Prairie, requesting the Legislature to change the time of holding town meeting in said town ;**

**Referred to committee on the Judiciary.**

**By Mr. Catlin. The account of Geo. Beatty for interest ;**

**Referred to committee on Territorial Expenditures.**

**Mr. Kneeland, from the committee on Territorial Expenditures, to which various accounts had been referred, reported**

**No. 12, (C.) "A bill making appropriations out of the territorial treasury for the payment of certain debts therein named ;"**

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Knowlton gave notice that he would, on some future day, ask leave to introduce

A bill to provide for taking the census of the inhabitants of the Territory of Wisconsin, and to authorize the Governor to apportion the members of the Council and House of Representatives ; And

A bill to divide the Territory of Wisconsin into new election districts for members of the Legislature.

Mr. Kneeland, from the committee on Territorial Expenditures, reported back to the Council the account of Charles Wright, and recommended that the same be referred to the committee on Legislative Expenditures ;

And the same was so referred.

Mr. Catlin, on leave, introduced

No. 13, (C.) " A bill to incorporate the village of Madison ;"

Which was read the first and second times, and

Referred to committee on Incorporations.

Mr. Frank offered the following resolution :

" *Resolved*, That the Secretary of the Territory be requested to report to the Legislative Assembly an abstract of the returns received by him from the commissioners of common schools agreeable to the act relating to common schools, passed February, 1841 ;"

Which was adopted.

Mr. Kneeland presented a memorial from the Milwaukee and Rock River Canal Company ;

Which he moved be laid on the table ;

And the question thereon having been put,

It was decided in the negative.

Mr. Reed moved that the reading of said memorial be dispensed with ;

And the question thereon having been put,

It was decided in the negative.

The memorial was then read.

Mr. Reed moved that the same be referred to the committee on Internal Improvements.

Pending the question thereon,

A message in writing from the Governor was delivered by G. P. Delaplaine, his private secretary.

The question on referring said memorial to the committee on Internal Improvements, was then put,

And decided in the negative ;

Ayes 5—noes 8.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs, Baker, Catlin, Kimball, Reed and Moses M. Strong.

Noes—Messrs. Frank, Kneeland, Knowlton, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

On motion of Mr. Wilcox,

Said memorial was laid on the table.

The President laid before the Council,

The annual report of the Treasurer of the Territory ;

Which was ordered to be printed, and

Referred to the committee on Territorial Expenditures.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 5, (C.) " A bill respecting judgments in criminal cases."

Mr. Baker, from the committee on the Judiciary, to which the same had been referred, reported

No. 3, (C.) " A bill providing for authentic statements as to the title of real estate ;"

With amendments ;

And recommend that the same do pass.

Marshall M. Strong, from the committee on the Judiciary, to which the same had been referred, reported adversely to the prayer of

" The petition of Gerry Putney, praying for a law giving a minor the right to convey real estate ;"

Also reported

No. 1, (C.) " A bill to authorize persons having a lien upon land to pay the taxes on the same ;" And also,

No. 2, (C.) " A bill relating to coroners ;"

Each with amendments ;

With a recommendation that they pass. And

No. 4, (C.) "A bill to define the time when liens on real estate shall take effect ;"

Without amendment, and recommend that it do pass.

Mr. Whiton, from the committee on the Judiciary, to which the same had been referred, reported

No. 7, (C.) "A bill to provide for the more convenient mode of contesting the election of county and other officers ;"

With amendments, and recommend that the same do pass.

The Council then took up

No. 5, (C.) "A bill respecting judgments in criminal cases ;"

And the same was read the third time, passed, and the title thereof was agreed to.

On motion of Marshall M. Strong,

No. 6, (C.) "A bill relating to the purchase and redemption of real estate sold on execution ;"

Was referred to the committee on the Judiciary.

The Council then went into committee of the whole on

No. 8, (C.) "A bill concerning the boundary line between the counties of Crawford and Chippewa ;"

Marshall M. Strong in the chair.

Committee rose and reported the same back to the Council, with amendments ;

Which were concurred in.

And the same was ordered to be engrossed, and read a third time.

The Council then went into committee of the whole on

No. 9, (C.) "A bill to authorize school district No. 4 in Dane county to levy an additional tax for building a school house ;"

Mr. Baker in the chair.

Committee rose and reported the same back to the Council, with amendments ;

Which were concurred in ;

And the same was ordered to be engrossed for a third reading.

The Council adjourned.

**SATURDAY, January 10, 1846.**

At ten o'clock the Council met.

Prayer by Rev. Mr. McHugh.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

The following petitions, &c. were presented and referred, to wit:

By Mr. Whiton. Petition of J. G. Winslow and 35 others of the county of Rock, praying for the construction of a rail road from Southport to the Mississippi river;

Referred to the committee on the Judiciary.

Also, Petition of John M. Keep, and sixty-one others, praying for the passage of a law making the office of clerk of the District Court an elective one. Also,

Petition of Jonas A. Power and forty-nine others, praying for the passage of a law incorporating the Wisconsin Mutual Insurance Company. Also,

Petition of J. C. Burr and 96 others, on the same subject.

Also, Petition of Frances Burchard and eleven others on the subject of the sale of intoxicating liquors; and also

Petition of Benjamin Brown and 27 others on same subject.

Severally referred to the committee on the Judiciary.

By Mr. Catlin. Petition of the inhabitants of towns 7, 8 and 9, in range 12, praying for the organization of a town by the name of Dane;

Referred to the committee on Judiciary. Also,

The account of John E. D. Cousins;

Referred to the committee on Territorial Expenditures.

By Mr. Frank. Petition of John F. Willis and 42 others of the town of Clinton, praying for the construction of a rail road from Southport to the Mississippi river;

Referred to the committee on Internal Improvements.

By Mr. Kneeland. Petition from David McDugal and 54

others, citizens of Milwaukee county, for a change of the law regulating the sale of intoxicating liquors.

Petition of Ann Delany for a divorce from her husband John Delany, with other documents;

Severally referred to the committee on Judiciary.

Also, The claim of John W. Pixley on bond surrendered to the Secretary of the Territory ;

Referred to committee on Territorial Expenditures.

Mr. Baker gave notice that he would, on some future day, ask leave to introduce a bill to authorize proceedings in chancery against the Wisconsin Marine and Fire Insurance Company.

Mr. Reed from the committee on engrossed bills reported as correctly engrossed

No. 8, (C.) "A bill concerning the boundary line between the counties of Crawford and Chippewa," and

No. 9, (C.) "A bill to authorize school district No. 4, in Dane county, to levy an additional tax for building a school house."

Mr. Whiton, from the committee on the judiciary, to which had been referred the resolution adopted at the last annual town meeting in the town of Pleasant Prairie, requesting the Legislature to change the time of holding town meetings in said town, reported adversely to the same, which report was adopted, and said committee were discharged from the further consideration of the subject.

The Council then took up

No. 8, (C.) "A bill concerning the boundary line between the counties of Crawford and Chippewa." when the same was Read the third time, passed, and the title thereof agreed to.

Also, No. 9, (C.) "A bill to authorize school district No. 4, in Dane county to levy an additional tax for building a school house," which was

Read the third time, passed, and the title thereof agreed to.

The Council went into committee of the whole on

No. 1, (C.) "Memorial to the Congress of the United States relative to certain roads in the counties of Crawford, Chippewa, St. Croix and La Pointe;

Mr. Kneeland in the chair.



Committee rose and reported the same back to the Council with amendments, which were concurred in.

On motion of Mr. Kneeland,

Said memorial was amended by striking out the words "five or," and the same was

*Ordered* to be engrossed for a third reading.

The Council then went into committee of the whole on

No. 1, (C.) "A bill to authorize a person having a lien upon real estate to pay the taxes on the same,"

Mr. Rountree in the chair.

Committee rose and reported the same to the Council and recommended that the amendment of the committee on the judiciary be concurred in ;

Which report was adopted, and said bill was

*Ordered* to be engrossed for a third reading.

A message in writing from the Governor, by Geo. P. Delaplaine, his private secretary.

The Council then went into committee of the whole on

No. 2, (C.) "A bill relating to coroners,"

Mr. Knowlton in the chair.

Committee rose and reported said bill back to the Council with amendments ;

Which were concurred in, and said bill was

*Ordered* to be engrossed for a third reading.

Mr. Kneeland, on leave, the rules having been suspended for that purpose, introduced

No. 14, (C.) "A bill to incorporate the Wisconsin Mutual Fire Insurance Company," which was

Read the first and second times, and

Referred to committee on Incorporations.

Mr. Knowlton, on leave, introduced

No. 15, (C.) "A bill to divide the Territory of Wisconsin into new election districts for members of the Legislature ;"

Which was read the first and second times, and

Referred to committee on Territorial Affairs.

Mr. Reed offered the following resolution :

*Resolved*, That the Superintendent of Territorial property be requested to provide seats in the lobby of the Council Chamber ;"

Which was adopted.

Moses M. Strong, on leave, the rules having been suspended for that purpose, introduced

No. 2, (C.) "Joint resolution asking an appropriation for a road from Mineral Point to Potosi," and all rules having been suspended in relation thereto, the same was read the third time and

*Ordered* to be engrossed for a third reading.

The Council then went into committee of the whole on

No. 3, (C.) "A bill providing for authentic statements as to the title of real estate ;"

Mr. Knowlton in the chair ;

Committee rose and reported said bill back to the Council with amendments, which were concurred in and said bill was *Ordered* to be engrossed for a third reading.

The Council then went into committee of the whole on

No. 7, (C.) "A bill to provide for the more convenient mode of contesting the election of county and other officers ;"

Marshall M. Strong in the chair.

Committee rose and reported said bill back to the Council with amendments, which were concurred in, and said bill was *Ordered* to be engrossed for a third reading.

The Council went into committee of the whole on

No. 10, (C.) "A bill for the relief of Benton & Garfield ;"

And also,

No. 12, (C.) "A bill making appropriations out of the territorial treasury of the payment of certain debts therein named ;"

Mr. Reed in the chair.

Committee rose and reported said bills back to the Council without amendment, when

No. 10, (C.) was ordered to be engrossed for a third reading, and

No. 12, (C.) was referred to committee on Territorial Expenditures.

Mr. Reed, on leave, the rules having been suspended for that purpose, introduced

No. 3, (C.) "Resolution asking an appropriation for a road from Milwaukee to Madison ;"

Which was read the first and second times, and  
Referred to committee on Territorial Affairs.  
The Council adjourned.

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**MONDAY, January 12, 1846.**

At ten o'clock the Council met.

Prayer by Rev. Mr. McHugh.

The journal of Saturday was read, corrected, and signed  
by the President and Secretary.

The following petitions, &c. were presented and referred,  
to wit:

By Mr. Wilcox. A petition from Charles Temple and 44  
others, citizens of Portage county, in favor of a state govern-  
ment;

Referred to the joint select committee on State Govern-  
ment.

By Mr. Kneeland. Petition from D. Van Desen and 50  
other citizens of Milwaukee county, for a change of the law  
regulating the sale of intoxicating liquors;

Referred to the committee on the Judiciary.

Moses M. Strong offered the following resolution:

"*Resolved*, That the Attorney General be instructed to re-  
port to the Council, whether he has reason to suppose that  
any real estate in this Territory has accrued to the Territory  
for the want of heirs to inherit the same. If so, what it is,  
its supposed value, and the facts upon which he forms his  
opinion;"

Which was adopted.

Mr. Baker offered the following resolution:

"*Resolved*, That the committee on Territorial Affairs be

instructed to inquire into the expediency of increasing the rate of the territorial tax ;”

Which was adopted.

Mr. Wilcox gave notice that he would, on some future day, ask leave to introduce a memorial to Congress for the improvement of the Fox and Wisconsin rivers.

Mr. Reed gave notice that he would, on some future day, ask leave to introduce a bill to grant authority to certain persons to build a dam across Milwaukee river.

Mr. Baker gave notice that he would, on some future day, ask leave to introduce a bill to vacate certain streets in the village of Geneva ; Also,

A bill to authorize proceedings in chancery against corporations.

Moses M. Strong, on leave, the rules having been suspended for that purpose, introduced,

No. 16, (C.) “ A bill to provide for the redemption of real estate sold under a decree in chancery ;”

Which was read the first and second times.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 2, (C.) “ Joint resolution asking an appropriation for a road from Mineral Point to Potosi ;”

No. 1, (C.) “ A memorial to the Congress of the United States relative to certain roads in the counties of Crawford, Chippewa, St. Croix and La Pointe ;”

No. 1, (C.) “ A bill respecting judgments in criminal cases ;”

No. 2, (C.) “ A bill relating to coroners ;”

No. 3, (C.) “ A bill providing for authentic statements as to the title of real estate ;”

No. 4, (C.) “ A bill to define the time when liens on real estate shall take effect ;”

No. 7, (C.) “ A bill to provide the more convenient mode of contesting the election of county and other officers ;” and also,

No. 10, (C.) “ A bill for the relief of Benton & Garfield.”

Mr. Knowlton, from the committee on Territorial Expenditures, reported

No. 17, (C.) "A bill to provide means for the payment of the interest on certain liquidated territorial bonds therein named ;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Kneeland, from the committee on Territorial Expenditures, reported

No. 18, (C.) "A bill to provide for the payment of M. M. Jackson's account, for services as Attorney General ;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Whiton, from the committee on the Judiciary, to which petitions on the subject had been referred, reported the same back to the Council, with

No. 19, (C.) "A bill to incorporate the Rock River Fire Insurance Company ;"

Which was read the first and second times.

Mr. Frank, from the committee on Schools, to which petitions on the subject had been referred, reported

No. 20, (C.) "A bill to authorize school district No. 7 in Snake Hollow town, in Grant county, to levy an additional tax to build a school house ;"

Which was read the first and second times.

Mr. Wilcox, from the committee on Incorporations, to which petitions on the subject had been referred, reported

No. 21, (C.) "A bill to incorporate the first Baptist Society in the town of Milwaukee ;"

Which was read the first and second times.

Moses M. Strong, from the joint select committee to which was referred so much of the Governor's message, &c. as relates to state government, reported

No. 22, (C.) "A bill in relation to the formation of a state government in Wisconsin ;"

Which bill was read the first and second times.

Mr. Kneeland, from the committee on Territorial Expenditures, reported

No. 23, (C.) "A bill to provide for the payment of A. Botkin's account, for services rendered while auditor of the Territory ;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Kneeland, from the committee on Territorial Expenditures, to which the matter had been referred, reported

No. 12, (C.) "A bill making appropriations out of the territorial treasury for the payment of certain debts therein named ;"

With a substitute ;

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Marshall M. Strong, from the committee on the Judiciary, to which the same had been referred, reported

No. 6, (C.) "A bill relating to the purchase and redemption of real estate sold on execution ;"

Back to the Council without amendment.

No. 1 (C.) "A bill to authorize persons having a lien upon land to pay the taxes on the same ;" And

No. 2, (C.) "A bill relating to coroners ;"

Were severally read the third time, passed, and the titles agreed to.

No. 2, (C.) "A bill providing for authentic statements as to the title of real estate ;"

Was taken up, and read the third time ;

And the question being, shall the bill pass ?

It was put, and decided in the affirmative ;

Ayes 9—noes 4.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Rountree, Marshall M. Strong, Whiton and Dewey, (President.)

Noes—Messrs. Kimball, Reed, Moses M. Strong and Wilcox.

So said bill was passed, and the title thereof was agreed to.

The Council then took up

No. 7, (C.) "A bill to provide for the more convenient mode of contesting the election of county and other officers ;"

When the same was read the third time ;

And the question, shall the bill pass? having been put,  
It was decided in the affirmative;  
Ayes 8—noes 4.

And the ayes and noes having been ordered, they were as follows:

Ayes—Messrs. Baker, Catlin, Knowlton, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Frank, Kimball, Kneeland, and Reed.

So said bill was passed, and the title thereof was agreed to.

The Council then took up

No. 2, (C.) "Joint resolution asking an appropriation for a road from Mineral Point to Potosi;"

And on motion of Moses M. Strong,

The vote by which the Council referred the same to the committee on Territorial Affairs was re-considered;

And the said resolution, and also

No. 3, (C.) "Resolution asking an appropriation for a road from Milwaukee to Madison;" and also

No. 1, (C.) "Memorial to the Congress of the United States relative to certain roads in the counties of Crawford, Chipewa, St. Croix and La Pointe,"

Were referred to the committee on Territorial Expenditures, with instructions to report.

A message from the House of Representatives, by their chief clerk:

"Mr. President—The House of Representatives have passed

No. 1, (H. of R.) "A memorial to Congress relative to the canal lands;"

No. 2, (H. of R.) "A memorial to Congress relative to the even sections on the canal reserve;"

No. 2, (H. of R.) "Resolution relative to a light house at Sauk Harbor;"

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce;'"

No. 8, (H. of R.) "A bill for the establishment of a territorial road from Burlington, in Racine county, to Delavan, in Walworth county;"

In which the concurrence of this House is requested.

And have also passed,

No. 8, (C.) "A bill concerning the boundary line between the counties of Crawford and Chippewa;"

No. 9, (C.) "A bill to authorize school district No. 4 in Dane county to levy an additional tax for building a school house."

And have negatived,

No. 5, (C.) "A bill respecting judgments in criminal cases."

The Council then took up

No. 10, (C.) "A bill for the relief of Benton & Garfield;"

And the same was read the third time, passed, and the title thereof was agreed to.

No. 4, (C.) "A bill to define the time when liens on real estate shall take effect;"

Was ordered to be engrossed for a third reading.

The Council then went into committee of the whole on

No. 6, (C.) "A bill relating to the purchase and redemption of real estate sold on execution;"

Mr. Catlin in the chair.

Committee rose and reported said bill back to the Council, without amendments;

And the same was ordered to be engrossed for a third reading.

On motion of Moses M. Strong,

*Ordered*, That Rev. Mr. McHugh be temporarily excused from his attendance in the discharge of his duties as Chaplain.

The message from the House of Representatives of this morning was taken up, and

No. 2, (H. of R.) "Resolution relative to a light house at Sauk Harbor;"

No. 1, (H. of R.) "A memorial to Congress relative to the canal lands;"

No. 2, (H. of R.) "A memorial to Congress relative to the even sections on the canal reserve;"

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce;' " and



No. 8, (H. of R.) "A bill for the establishment of a territorial road from Burlington, in Racine county, to Delavan, in Walworth county ;"

Were severally read the first and second times,

And said bill No. 8, (H. of R.) was

Referred to the committee on Territorial Roads.

Mr. Baker, on leave, presented the account of Edward Elderkin ;

Which was referred to the committee on Territorial Expenditures.

Marshall M. Strong, from the committee on the Judiciary, to which the same had been referred, reported adversely to

Petition of Ann Delany for divorce from her husband, John Delany ; And also, the

Petition of John M. Keep and 61 others, praying for the passage of a law making the office of clerk of the district court an elective one ;

And that the Legislature had no power over the subject.

The Council adjourned.

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## TUESDAY, January 13, 1846.

Council met pursuant to adjournment.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

The President laid before the Council a communication from Geo. P. Delaplaine, Auditor of the Territory, on the subject of the increase of the salary of said officer, which was read and

Referred to the committee on Territorial Expenditures.

Also, the communication from A. Hyatt Smith, Attorney General of the Territory, in answer to the resolution of the Council of yesterday ;

Which was read, and

Referred to committee on Judiciary. [*See Appendix.*]

Mr. Whiton presented the petition of A. Hyatt Smith, in relation to a dam and lock on Rock river ;

Referred to the committee on Internal Improvements.

Mr. Baker, on leave, introduced

No. 4. (C.) "Joint resolution relative to procuring a set of standard weights and measures ;

Which was read the first and second times, and

The rule requiring the same to be printed was suspended.

Mr. Kneeland, on leave, introduced

No. 5. (C.) "Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory ;

Which was read the first and second times, and

The rule requiring the same to be printed was suspended.

Mr. Kneeland offered the following resolution :

*Resolved*, That the Territorial Printer be, and is hereby requested to report to this House, without delay, the reason of his not having printed the report of the Auditor of the Territory, sent to him on the 8th inst.;

Which was adopted.

Moses M. Strong, on leave, introduced

No. 24. (C.) "A bill to provide for and regulate the action of replevin before justices of the peace ;"

Which was read the first and second times, and

Referred to committee on the Judiciary.

Mr. Reed, on leave, introduced

No. 25. (C.) "A bill to authorize certain persons to build a dam across Milwaukee river ;"

Which was read the first and second times.

Mr. Baker, on leave, introduced

No. 26. (C.) "A bill authorizing proceedings in chancery against corporations ;"

Which was read the first and second times, and

Referred to the committee on the Judiciary.

Mr. Kneeland, on leave, introduced

No. 27, (C.) "A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee;"

Which was read the first and second times.

Mr. Wilcox gave notice that he would, on some future day, ask leave to introduce a bill to authorize the supervisors of Calumet, Fond du Lac, Winnebago and Marquette counties to raise money for certain improvements and for other purposes.

Mr. Knowlton, from the committee on Territorial Roads, to which the same had been referred, reported

No. 8, (H. of R.) "A bill for the establishment of a territorial road from Burlington in Racine county to Delevan in Walworth county,"

Without amendments, and recommended that the same do pass.

Council went into committee of the whole on

No. 1, (H. of R.) "Memorial to Congress relative to canal lands," and

No. 2, (H. of R.) "A memorial to Congress relative to the even sections on the canal reserve,"

Mr. Kneeland in the chair.

Committee rose and reported the same to the Council without amendments, when they were

*Ordered* to a third reading.

The Council went into committee of the whole on

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce,'"

Mr. Baker in the chair.

Committee rose and reported the same back to the Council without amendments, and the same was

Referred to committee on the Judiciary.

The Council went into committee of the whole on

No. 2, (H. of R.) "Resolution relative to a light house at Sauk Harbor,"

Mr. Knowlton in the chair.

Committee rose and reported said bill back to the Council without amendments, and the same was

*Ordered* to a third reading.

The Council went into committee of the whole on

No. 12, (C.) "A bill making appropriations out of the territorial treasury, for the payment of certain debts therein named,"

Marshall M. Strong in the chair.

Committee rose and reported said bill back to the Council, and recommend the substitute reported by the committee on Territorial Expenditures as an amendment;

Which was concurred in, and the same was

*Ordered* to be engrossed for a third reading.

The Council then went into committee of the whole on

No. 17, (C.) "A bill to provide means for the payment of the interest on certain liquidated territorial bonds therein named,"

No. 18, (C.) "A bill to provide the payment of M. M. Jackson's account for services as Attorney General;" and

No. 23, (C.) "A bill to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory,"

Moses M. Strong in the chair.

Committee rose and reported

No. 17, (C.) without amendment, and

No. 18, (C.) with amendment, and they had made some progress on

No. 23, (C.) and asked leave to sit again thereon.

On motion of Mr. Whiton,

Said report of the committee of the whole was laid on the table. .

A message from the House of Representatives by their chief clerk:

"Mr. President—I am directed to request this House to return to the House of Representatives for their further action bill No. 5, (C.) "A bill respecting judgments in criminal cases."

On motion of Mr. Whiton,

Said bill was taken up, and it was

*Ordered* that

No. 5, (C.) "A bill respecting judgments in criminal ca-

ses," be returned to the House of Representatives for their further action.

On motion of Moses M. Strong,

The report of the committee of the whole on  
No. 17, (C.)

No. 18, (C.) and

No. 23, (C.) was taken up, and

Leave was granted to sit again on No. 23, (C.)

The question then being on agreeing to the amendment of  
the committee of the whole to No. 18, (C.)

Moses M. Strong called for a division of the question.

The question was then put on the first amendment, as follows:

Amend by striking out the words "three hundred and fifty  
dollars," and inserting the words "two hundred dollars,"

And decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered they were as  
follows:

Ayes—Messrs. Baker, Catlin, Frank, Kimball, Knowlton,  
Reed, Marshall M. Strong, Whiton and Dewey, (President.)

Noes—Messrs. Kneeland, Rountree, Moses M. Strong and  
Wilcox.

So said amendment was agreed to.

The question was then put upon the other amendment to  
said bill,

And decided in the negative.

Said bill was then

*Ordered* to be engrossed for a third reading.

Mr. Baker then moved that

No. 17, (C.) do lay on the table;

Which was decided in the negative.

The same was then

*Ordered* to be engrossed for a third reading.

Mr. Whiton, from the committee on the Judiciary, to which  
had been referred

No. 4, (H. of R.) "A bill to amend an act entitled 'an act  
concerning divorce,'"

Reported the same back to the Council with an amendment, which they recommend be adopted.

Marshall M. Strong, from the same committee, submitted a verbal minority report, disagreeing with the first amendment proposed by said committee.

Said bill was then read the second time.

The Council then went again into committee of the whole on

No. 23, (C.) "A bill to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory,"

Moses M. Strong in the chair.

Committee rose and reported said bill back to the Council, with amendment.

The question then being on concurring in the amendment of the committee of the whole,

It was decided in the negative,

Ayes 6—noes 7.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Kneeland, Knowlton, Reed, Moses M. Strong and Whiton.

Noes—Messrs. Catlin, Frank, Kimball, Rountree, Marshall M. Strong, Wilcox and Dewey, (President.)

A message in writing from the Governor, by Geo. P. Delaplaine, his private secretary.

The Council then resumed the consideration of said bill No. 23, (C.)

Moses M. Strong moved to amend said bill as follows: Strike out "collecting information and ascertaining the indebtedness of the Territory and reporting the same to the Legislature in January, 1844 ;" .

And the question thereon having been put,

It was decided in the affirmative,

Ayes 11—noes 2.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Catlin, Frank, Kimball, Knowlton, Reed,

Rountree, Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Baker and Kneeland.

And said bill was so amended.

Marshall M. Strong moved to amend said bill by striking out therefrom the words "office rent ;"

Which was agreed to.

Marshall M. Strong moved to amend said bill by striking out therefrom the words "for services rendered for registering claims against the Territory, and reporting the same to the Legislature in January, 1843, and."

Pending the question thereon Mr. Kneeland moved to refer said bill to the committee on internal improvements ;

Which was disagreed to.

The question then recurred on Marshall M. Strong's motion to amend,

And having been put,

It was decided in the negative,

Ayes 6—noes 7.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Frank, Knowlton, Marshall M. Strong, Moses M. Strong, Whiton and Dewey, (President.)

Noes—Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Rountree and Wilcox.

So the Council refused so to amend said bill.

Moses M. Strong moved to amend said bill by inserting after "January 1845," the words " — dollars ;"

Which was agreed to.

Moses M. Strong moved also to amend said bill by striking out the words "one hundred and ;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 10—noes 3.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Kimball, Reed and Rountree.

And the said bill was so amended.

Marshall M. Strong moved to fill the blank before "dollars" with the word "two."

M. Reed moved to fill the blank before "dollars" with the word "fifty."

Moses M. Strong moved to fill the blank before "dollars" with the word "ten."

Mr. Kneeland moved to fill the blank before "dollars" with the words "twenty-five."

The question was put on filling the blank with the word "fifty,"

And decided in the negative,

Ayes 5—noes 8.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Catlin, Kimball, Reed and Rountree.

Noes—Messrs. Frank, Kneeland, Knowlton, Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

So the Council refused so to fill said blank.

The question was then put on filling the blank with the words "twenty-five,"

And decided in the negative,

Ayes 6—noes 7.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Kneeland, Reed and Moses M. Strong.

Noes—Messrs. Catlin, Knowlton, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

So the Council refused so to fill said blank.

The question was then put on filling the blank with the word "ten,"

And decided in the negative,

Ayes 5—noes 8.

And the ayes and noes having been ordered they were as follows :



Ayes—Messrs. Baker, Frank, Knowlton, Moses M. Strong, and Whiton.

Noes—Messrs. Catlin, Kimball, Kneeland, Reed, Rountree, Marshall M. Strong, Wilcox and Dewey, (President.)

So the Council refused so to fill said blank.

Mr. Whiton moved to fill the blank before "dollars" with the words "twenty ;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Reed, Moses M. Strong, Whiton and Wilcox.

Noes—Messrs. Catlin, Rountree, Marshall M. Strong and Dewey, (President.)

The question then recurred on ordering said bill to be engrossed,

And having been put,

It was decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Catlin, Reed, Rountree and Marshall M. Strong.

So said bill was ordered to be engrossed for a third reading.

Mr. Catlin presented petition of 95 inhabitants of towns 5 and 6, in ranges 9 and 10, praying to be organized into a town for township government, and

Petition of 59 inhabitants of township No. 5 north, of range No. 10, praying to be organized into a town by the name of Springfield ;

Severally referred to the committee on the Judiciary.

Mr. Kneeland offered the following resolution :

*Resolved*, by the Council and House of Representatives of the Territory of Wisconsin, That a joint select committee of

two from each House be appointed to examine and cancel all auditor's warrants and other evidences of indebtedness on the part of the Territory which are redeemed and in the possession of the Treasurer, and that the said committee report to the Legislative Assembly all evidences of debt so cancelled; which

On motion of Mr. Catlin,  
Was laid on the table.

The President laid before the Council the communication of Simeon Mills, in answer to the resolution of the Council of this morning;

Which was read and laid on the table.

On motion of Marshall M. Strong,  
The rules were suspended, and

No. 1, (H. of R.) "A memorial to Congress relative to canal lands," and

No. 2, (H. of R.) "A memorial to Congress relative to the even sections on the canal reserve,"

Were taken up, read the third time, passed, and the titles thereof were severally agreed to.

The President laid before the Council a communication from the Secretary of the Territory on the subject of common schools, in answer to a resolution of the Council of a former day;

Which was referred to the committee on Schools.

Marshall M. Strong moved that the Council go into committee of the whole on

No. 8, (H. of R.) "A bill for the establishment of a territorial road from Burlington, in Racine county, to Delevan, in Walworth county;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 8—noes 3.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Reed, Marshall M. Strong and Wilcox.

Noes—Messrs. Catlin, Whiton and Dewey, (President.)

So the council went into committee of the whole on said bill,

Mr. Catlin in the chair.

Committee rose and reported said bill back to the Council without amendment, and the same was

*Ordered* to a third reading.

The Council adjourned.

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### WEDNESDAY, January 14, 1846.

At ten o'clock the Council met.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

Marshall M. Strong moved,

That the Rev. Mr. Harvey be appointed Chaplain during the absence of the Rev. Mr. McHugh ;

Which was not agreed to.

The following petitions, &c. were presented and referred, to wit :

By Mr. Rountree. Petition of James L. Russell and 35 others, inhabitants of school district No. 1 in the town of Platteville, Grant county, asking that the school tax of 1845 be applied to the erection of a school house in said district, and that an additional tax may be levied for that purpose ;

Referred to the committee on Schools.

By Mr. Reed. Petition of J. W. Walker and 520 others, for a rail road from Milwaukee to the Mississippi river ; Also,

Petition of J. E. Arnold and 480 others, on the same subject ; Also,

Petition of C. Shepherd and 158 others, on the same subject ;

Referred, severally, to the committee on Internal Improvements.

A message from the House of Representatives, by their chief clerk :

" Mr. President—The House of Representatives have adopted a resolution, of which the following is a copy :

" *Resolved*, That the Hon. Council be requested to transmit to this House a copy of the order of the Council directing the report of the Auditor of the Territory to be printed, and the date of the order, and the time when it was sent to the printer: A copy of the resolution of the Council calling upon the Territorial Printer for a report of the reasons why the report of the Auditor had not been printed, and a copy of the report of the Territorial Printer in response to such resolution."

" The House of Representatives have passed,

" No. 1, (H. of R.) ' A bill to change the form of government in the county of Washington, and for other purposes ;'

" In which the concurrence of this House is requested."

Mr. Catlin presented the

[ Petition of Samuel H. Davis, for interest on stationery furnished the Legislature in 1836 ;

Referred to committee on Territorial Expenditures.

Mr. Kneeland presented petition from Mrs. McDougal and 44 other ladies of Milwaukee, praying for a change of the law regulating the sale of intoxicating liquors ;

Referred to the committee on the Judiciary.

Also, petition of trustees of the east ward in the town of Milwaukee, relative to levying a tax on lots on Morris street to grade said street ;

Referred to committee on Incorporations.

Mr. Frank moved

That Simeon Mills have leave to withdraw the communication made by him to the Council yesterday, for the purpose of correcting an error in the same ;

And the question thereon having been put,

It was decided in the affirmative ;

Ayes 9—noes 4.

And the ayes and noes having been ordered, they were as follows :

**Ayes—Messrs. Baker, Catlin, Frank, Knowlton, Rountree, Marshall M. Strong, Moses M. Strong, Wilcox and Dewey, (President.)**

**Noes—Messrs. Kimball, Kneeland, Reed and Whiton.**

Sa Mr. Mills had leave to withdraw the said communication, which was done by him, and returned to the Council corrected.

Mr. Whiton presented the petition of George W. Wilcox, in relation to Beloit College ;

Referred to the committee on Schools.

Moses M. Strong presented the petition of 118 citizens of Dubuque, praying the Legislature to memorialize Congress to sell the mineral lands ;

Referred to the select committee to which was referred so much of the Governor's message as relates to mineral lands.

Also, petition of George W. Jones and 88 others, citizens of Dubuque, praying the Legislature to pass an act incorporating a rail road from Lake Michigan to the Mississippi river ;

Referred to the committee on Incorporations.

Mr. Kneeland presented the claim of William W. Brown against the Territory ;

Referred to the committee on Internal Improvements.

Mr. Frank presented the account of John Catlin for interest on bond surrendered ;

Referred to the committee on Territorial Expenditures.

Mr. Kneeland presented the memorial of John Anderson, relative to his claim against the Territory, for building the dam on the Milwaukee and Rock river canal ; and also, the original contract ;

Which memorial was read, and

Referred to the committee on Internal Improvements.

Moses M. Strong offered the following resolution :

*" Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of providing for the payment of the canal bonds out of the proceeds of the sale of the canal lands."*

Marshall M. Strong moved to amend said resolution by

striking out the words "the committee on Internal Improvements," and also the word "instructed," and insert "a select committee" and "appointed;"

And the question being on said motion to amend,  
It was put, and decided in the affirmative;

Ayes 7—noes 6.

And the ayes and noes having been ordered, they were as follows:

Ayes—Messrs. Baker, Frank, Knowlton, Rountree, Marshall M. Strong, Whiton and Wilcox.

Noes—Messrs. Catlin, Kimball, Kneeland, Reed, Moses M. Strong and Dewey, (President.)

So said resolution was so amended, and the same was adopted.

The President appointed Messrs. Moses M. Strong, Marshall M. Strong and Baker the said select committee.

Moses M. Strong moved that said committee be discharged from the further consideration of the subject;

Which was disagreed to.

A message from the House of Representatives, by their chief clerk:

"Mr. President—The House of Representatives have passed

No. 1 (C.) "A bill to authorize persons having a lien upon land to pay the taxes on the same;" And

No. 2, (C.) "A bill relating to coroners;"

With amendments to each, in which I am directed to ask the concurrence of this House.

The House has also passed,

No. 5, (C.) "A bill respecting judgments in criminal cases."

I am directed to present for the signature of the President,

☐ "An act concerning the boundary line between the counties of Crawford and Chippewa;"

"An act to authorize school district No. 4 in Dane county to levy an additional tax for building a school house;"

"A memorial to Congress relative to the canal lands;"

"A memorial to Congress relative to the even sections on the canal reserve;" and

"A resolution relative to a light house at Sauk Harbor ;"

Which have been signed by the Speaker of the House of Representatives."

The President signed the bills presented for his signature with said message.

Mr. Whiton, from the committee on Enrolled Bills, reported as follows :

The joint committee on Enrollment report as correctly enrolled,

An act entitled "an act concerning the boundary line between the counties of Crawford and Chippewa ;"

An act entitled "an act to authorize school district No. 4 in Dane county to levy an additional tax for building a school house ;"

A resolution entitled "Resolution relative to a light house at Sauk Harbor ;"

A memorial entitled "A memorial to Congress relative to the even sections on the canal reserve ;" and

A memorial entitled "A memorial to Congress relative to the canal lands."

Mr. Kneeland gave notice that he would, on some future day, ask leave to introduce a bill to amend an act concerning masters in chancery.

Mr. Wilcox, on leave, introduced

No. 3, (C.) "A memorial to Congress for the improvement of the Fox and Wisconsin rivers ;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 4, (C.) "A bill to define the time when liens on real estate shall take effect ;"

No. 6, (C.) "A bill relating to the purchase and redemption of real estate sold on execution ;"

No. 12, (C.) "A bill making appropriations out of the territorial treasury for the payment of certain debts therein named ;"

No. 17, (C.) "A bill to provide means for the payment of

the interest on certain liquidated territorial bonds therein named ;" and

No. 18, (C.) " A bill to provide for the payment of M. M. Jackson's account, for services as Attorney General."

The Message from the House of Representatives was taken up.

Marshall M. Strong moved that the Council comply with the request in said message relative to the communication of Simeon Mills ;

Which was agreed to.

No. 1, (H. of R.) " A bill to change the form of government in the county of Washington, and for other purposes ;"

Was read the first and second times.

The Council concurred in the amendments of the House of Representatives to

No. 1 (C.) " A bill to authorise persons having a lien upon real estate to pay the taxes on the same ;" and also to

No. 2, (C.) " A bill relating to coroners."

No. 6, (C.) " A bill relating to the purchase and redemption of real estate sold on execution ;"

Was read the third time, passed, and the title thereof was agreed to.

No. 4, (C.) " A bill to define the time when liens on real estate shall take effect ;"

Was read the third time, passed, and the title thereof was agreed to.

Mr. Catlin, from the committee on Enrolled Bills, submitted the following report ;

The committee on Enrolled Bills report, that they have on this day presented the following bills to the Governor, for his approval, to wit :

No. 1, (H. of R.) " A memorial to Congress relative to the canal lands ;"

No. 2, (H. of R.) " A memorial to Congress relative to the even sections on the canal reserve ;"

No. 2, (H. of R.) " Resolution relative to a light house at Sauk Harbor ;"



"An act concerning the boundary line between the counties of Crawford and Chippewa ;"

"An act to authorize school district No. 4 in Dane county to levy an additional tax for building a school house."

JOHN CATLIN, of Com. on Enrolment.

No. 12, (C.) "A bill making appropriations out of the territorial treasury for the payment of certain debts therein named ;" Also,

No. 17, (C.) "A bill to provide means for the payment of the interest on certain liquidated territorial bonds therein named ;" And also,

No. 18, (C.) "A bill to provide for the payment of M. M. Jackson's account for services as Attorney General ;"

Were severally read the third time, passed, and the titles thereof were agreed to.

The Council then took up

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce ;'"

And on ordering the same to a third reading,

Mr. Whiton moved to amend said bill, by adding after the word "jurisdiction;" the words "in this Territory ;"

Which was disagreed to.

Mr. Catlin moved to amend the bill, by adding after the word "more," the words "except for political offences."

Moses M. Strong called for the previous question ;

And the call having been seconded by a majority of the Council,

The question, "shall the main question be now put ?" was put

And decided in the affirmative.

Said bill was then ordered to a third reading.

The rules requiring bills, &c. to be considered in committee of the whole were suspended in relation to

No. 4, (C.) "Joint resolution relative to procuring a set of standard weights and measures."

On motion of Marshall M. Strong,

The blank in said resolution was filled with the words "one hundred and fifty ;"

And the resolution was ordered to be engrossed for a third reading.

The same rule was also suspended in relation to

No. 5, (C.) "Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory."

Mr. Catlin moved to amend the said resolution, by inserting after the word "hands," the words "or which may hereafter be received by him ;"

Which was agreed to ;

And said resolution was ordered to be engrossed for a third reading.

The Council adjourned.

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### THURSDAY, January 15, 1846.

At ten o'clock the Council met.

The journal of yesterday was read and corrected.

The following petitions, &c. were presented and referred, to wit :

By Mr. Frank. Petition of inhabitants of the town of Burlington, praying for a charter to construct a rail road from Southport to the Mississippi river ;

Referred to the committee on Internal Improvements.

Also, a petition of inhabitants of the town of Delavan on the same subject ;

Which was also referred to the committee on Internal Improvements.

By Mr. Catlin. Petition of 142 inhabitants of towns 8 and 9, in ranges 11 and 12, praying to be organized into a town for township government.

Referred to the committee on the Judiciary.

By Mr. Catlin. Petition of the trustees of school district No. 3, Dane in county, praying to be authorized to levy a special tax to build a school house ;

Also, petition of inhabitants of school district No. 3 in Dane county, relative to a special school tax ;

Also, remonstrance of inhabitants of school district No. 3 in Dane county, against the passage of an act to raise a special tax for building a school house ;

Which were severally referred to the committee on Schools.

By Mr. Wilcox. Petition from Joseph L. Moore and 60 other citizens of Sheboygan, praying for an act to incorporate said town ;

Which was referred to the committee on Incorporations.

By Mr. Kneeland. Petition of F. W. Schoellner, for a divorce from his wife Augusta ;

Which was laid on the table.

By Mr. Reed. Petition of Henry Miller and 16 others, for a rail road from Milwaukee to the Mississippi river ;

Also, petition of Daniel W. Bromley and 61 others, on the same subject ;

Severally referred to the committee on Internal Improvements.

Mr. Knowlton offered the following resolution :

*Resolved*, That five hundred additional copies of the table exhibiting the number of delegates to the state convention, upon the different ratios from 1000 to 2300, be printed for the use of the Council, provided the form has not been distributed.

Which was adopted.

Mr. Kneeland presented two accounts of Alexander Mitchell for interest on bonds ;

Which were referred to the committee on Territorial Expenditures.

Mr. Rountree introduced

No. 28, (C.) "A bill to authorize school district No. 1, in Platteville school district, to build a school house ;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Kneeland introduced

No. 29, (C.) "A bill to amend an act entitled 'an act concerning masters in chancery ;'"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Moses M. Strong, from the committee on Internal Improvements, to which petitions on the subject had been referred, reported

No. 30, (C.) "A bill to amend an act entitled 'an act to authorize the construction of certain dams across the Rock river,' approved April 1st, 1843 ;"

Which was read the first and second times.

Mr. Wilcox introduced

No. 31, (C.) "A bill to authorize certain counties to levy a special tax ;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed

No. 23, (C.) "A bill to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory ;" Also,

No. 4, (C.) "Joint resolution relative to procuring a set of standard weights and measures."

Mr. Kneeland, from the committee on Incorporations, to which the same was referred, reported

No. 14, (C.) "A bill to incorporate the Wisconsin Mutual Fire Insurance Company ;"

With amendments, and a recommendation that the same do pass.

Mr. Kneeland gave notice that he should to-morrow, or on some future day, ask leave to introduce a memorial to Congress on the subject of a collection district and port of entry.

The Council then went into committee of the whole on

No. 1, (H. of R.) "A bill to change the form of government in the county of Washington, and for other purposes ;"

Mr. Rountree in the chair.

Committee rose and reported said bill back to the Council, with amendments ;

Which were concurred in ;

And the bill was ordered to a third reading.

A message from the House of Representatives, by their chief clerk :

"Mr. President—The House of Representatives have passed

No. 10, (C.) "A bill for the relief of Benton & Garfield ;"

No. 6, (H. of R.) "A bill to amend an act entitled 'an act concerning replevin ;' " and

No. 9, (H. of R.) "A bill to change the form of government in the county of Dodge, and for other purposes."

In the two last of which the concurrence of this House is requested.

I am directed to present for your signature,

"An act for the establishment of a territorial road from Burlington, in Racine county, to Delavan, in Walworth county ;"

Which have been signed by the Speaker of the House of Representatives."

The President signed the bills presented for his signature with said message.

Mr. Whiton, from the committee on Enrolled Bills, reported as correctly enrolled,

An act entitled "An act for the establishment of a territorial road from Burlington, in Racine county, to Delavan, in Walworth county."

The Council then took up

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce ;' " and

The question being on its passage, it was put

And decided in the negative,

Ayes 5—noes 7.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs, Kimball, Kneeland, Knowlton, Reed and Moses M. Strong.

Noes—Messrs. Catlin, Frank, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Marshall M. Strong, he having voted in the negative,

Moved to reconsider said vote ;

And the question having been put,

It was decided in the affirmative,

Ayes 7—noes 6.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Kimball, Kneeland, Knowlton, Reed, Marshall M. Strong, and Moses M. Strong.

Noes—Messrs. Catlin, Frank, Rountree Whiton, Wilcox and Dewey, (President.)

The question then being on its passage, it was put,

And decided in the affirmative ;

Ayes 7—noes 6.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Baker, Kimball, Kneeland, Knowlton, Reed, Marshall M. Strong and Moses M. Strong.

Noes—Messrs. Catlin, Frank, Rountree, Whiton, Wilcox and Dewey, (President.)

So said bill was passed, and the title thereof was agreed to.

No. 23, (C.) “ A bill to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory ;”

Was then read the third time.

On motion of Mr. Baker,

The bill was amended by striking out the letter “ A,” and inserting “ Alexander” in lieu thereof.

The question then being on the passage of said bill, it was put,

And decided in the affirmative,

Ayes 10—noes 3.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Knowlton, Reed, Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Catlin, Kneeland and Rountree.

So said bill was passed.

The question then being on agreeing to the title to said bill,

Moses M. Strong moved to amend the same by striking out all after the word "bill," and inserting "for the relief of Alexander Botkin ;"

Which was disagreed to.

Marshall M. Strong moved to amend the title to said bill, by striking out all after the word "bill," and insert "to pay Alexander Botkin the sum therein named."

Mr. Whiton called for the previous question ;

And the call having been seconded by a majority of the Council,

The question, "shall the main question be now put?" was put

And decided in the affirmative.

Ayes 7—noes 6.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Rountree, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Catlin, Kneeland, Knowlton, Reed, Marshall M. Strong, and Moses M. Strong.

The question was then put on agreeing to the title to said bill, and

It was decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Reed, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Catlin, Kneeland, Knowlton and Moses M. Strong.

So the said title was agreed to.

A message from the Governor, by G. P. Delaplaine, his private secretary :

"Mr. President—The Governor did on the 14th instant, approve, sign and deposit in the office of the Secretary of the Territory ;

"An act concerning the boundary line between the counties of Crawford and Chippewa;" Also,

"An act to authorize school district No. 4, in Dane county, to levy an additional tax for building a school house."

Also, a message in writing from the Governor.\*

No. 4, (C.) "Joint resolution relative to procuring a set of standard weights and measures;

Was taken up, read the third time, passed, and the title thereof was agreed to.

Council adjourned to half-past two o'clock this afternoon.

### HALF PAST TWO O'CLOCK, P. M.

On motion of Mr. Catlin,

The rules were suspended, and

No. 3, (C.) "A memorial to Congress for the improvement of the Fox and Wisconsin rivers,"

Was read the third time, passed, and the title thereof agreed to.

No. 6, (H. of R.) "A bill to amend an act entitled 'an act concerning replevin;'"

And also,

No. 9, (H. of R.) "A bill to change the form of government in the county of Dodge, and for other purposes,"

Were severally read the first and second times.

Mr. Frank, from the committee on schools, to which the subject had been referred, reported

No. 32, (C.) "A bill to amend the several acts relating to the Prairieville academy;"

Which was read the first and second times.

Marshall M. Strong, from the committee on the judiciary, to which the subject had been referred, reported

No. 11, (C.) "A bill to amend the act concerning proceedings in courts of record, and for other purposes."

The Council then went into committee of the whole thereon,



Mr. Kneeland in the chair.

Committee rose and reported said bill back to the Council without amendments.

Moses M. Strong moved to amend said bill by striking out thereof the second section ;

And the question thereon having been put,

It was decided in the negative,

Ayes 5—noes 8.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Kimball, Reed, Rountree, Moses M. Strong and Wilcox.

Noes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton, and Dewey, (President.)

So the amendment was not adopted.

Moses M. Strong moved to amend said bill by striking out therefrom the third section ;

And the question thereon having been put,

It was decided in the negative,

Ayes 4—noes 9.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Kimball, Reed, Rountree & Moses M. Strong.

Noes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Moses M. Strong moved to amend said bill by adding the following :

“ The act entitled ‘ an act to amend the act concerning proceedings in courts of record, and for other purposes, passed January 27, 1844, is hereby repealed.’ ”

And the question thereon having been on adopting said amendment was put,

And decided in the negative,

Ayes 4—noes 9.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Kimball, Reed, Rountree and Moses M. Strong.

Noes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

The question then recurred on ordering said bill to be engrossed, and having been put,

It was decided in the affirmative,

Ayes 4—noes 9.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Kimball, Reed, Rountree and Moses M. Strong.

So said bill was

Ordered to be engrossed and read the third time.

On motion of Mr. Whiton,

The rules were suspended, and

The Council went into committee of the whole on

No. 14, (C.) "A bill to incorporate the Wisconsin Mutual Fire Insurance Company," and

No. 19, (C.) "A bill to incorporate the Rock river Fire Insurance Company,"

Marshall M. Strong in the chair.

Committee rose and reported said bills back to the Council with amendments, which were concurred in.

On motion of Moses M. Strong, No. 14, (C.)

Was amended by adding thereto an additional section as follows:

"SEC. The corporation hereby created shall not borrow or loan money, or receive money on deposit, or issue certificates of deposit, or any other evidences of indebtedness whatever in the similitude of bank bills or notes, or in any manner exercise any power or rights usually exercised by banking corporations, and if said corporation shall do any of the acts prohibited by this section, all powers hereby conferred upon said corporation shall cease and determine, and said corporation be dissolved, and this act shall thereafter be null and void."

On motion of Marshall M. Strong,

Said bill was further amended by striking out of the sev-

enth section of said bill all after the word "jurisdiction," and the same was

*Ordered* to be engrossed and read a third time.

The Council then agreed to the amendments of the committee of the whole to No. 19, (C.)

On motion of Moses M. Strong,

Said bill was amended by adding thereto an additional section as follows :

"Sec. The corporation hereby created shall not borrow or loan money, or receive money on deposit, or issue certificates of deposit, or any other evidence of indebtedness whatever in the similitude of bank bills or notes, or in any manner exercise any power or rights usually exercised by banking corporations, and if said corporation shall do any of the acts prohibited by this section, all powers hereby conferred upon said corporation shall cease and determine and said corporation be dissolved, and this act shall thereby thereafter be null and void.

On motion of Mr. Whiton,

Said bill was amended by striking out of the 8th section the following words : "on or before the next term of said court unless said court shall be holden within sixty days after said determination, but if holden within that time then at the next term thereafter."

Marshall M. Strong moved to amend said bill by striking out of the 8th section thereof all after the word "jurisdiction ;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 12—noes 1:

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Marshall M. Strong, Moses M. Strong, Wilcox and Dewey, (President.)

No—Mr. Whiton.

And the said bill was so amended, and

*Ordered* to be engrossed and read a third time.

The Council adjourned.

## FRIDAY, Jan. 16, 1846.

At ten o'clock the Council met.

The journal of yesterday was read, corrected, and signed by the President and Secretary.

The following petitions, &c. were severally presented and referred :

By Moses M. Strong. Petition of John F. O'Neill and 171 others citizens of Iowa county praying for the incorporation of a rail road company from Lake Michigan to the Mississippi river ;

Referred to the committee on Internal Improvements.

Moses M. Strong moved that the petition of F. W. Schoellner for a divorce from his wife Augusta, be taken up from the table,

And the question thereon having been put,

It was decided in the affirmative ;

Ayes 11—noes 2.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed, Rountree, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Knowlton and Marshall M. Strong.

So said petition was taken up, and the same was

Referred to committee on the Judiciary.

By Mr. Frank. Petition of school district No. 1, in the town of Rochester praying for the passage of a law authorizing said district to pay certain arrearages ;

Referred to the committee on Schools.

Also, petition of inhabitants of the town of Paris, for the passage of a law submitting the question of granting licenses to the people of the several towns and precincts ;

Which was referred to the committee on the Judiciary.

By Mr. Baker. Petition of Amos Bailey and 47 others, citizens of Walworth county, praying for the formation of a State Government ;

Which was laid on the table.

By Mr. Catlin. Petition of inhabitants in town 9, range 16 east, in Dodge county, praying that the same may be organized into a town by the name of Lebanon;

Which was laid on the table.

Also, account of Henry Gullion ;

Which was referred to committee on Legislative Expenditures.

By Mr. Reed. Petition of Charles E. Jenkins and 28 others for a rail road from Milwaukee to the Mississippi river.

Petition of Thomas H. Quin and 230 others, residents of Milwaukee county for an alteration of the law in relation to canal lands.

Petition of Wm. R. Hisk and 83 others, on the same subject.

Also, remonstrance of Wm. H. Hedway and 15 others, against any alteration of the law in relation to the canal lands;

Which were severally referred to the committee on Internal Improvements.

Also, petition of G. C. Vail and 88 others, for a road from Prairieville, north-west to the United States road from Milwaukee to Madison.

By Mr. Kneeland. Remonstrance from William Hale and 276 other citizens of Milwaukee county against the repeal of the law authorizing the sale of the canal lands ;

Which was referred to the committee on Internal Improvements.

Also, memorial of Joseph A. Arnold in relation to a claim against the Territory for furnishing carpeting, furniture, &c. for the capitol ;

Which was referred to the committee on Territorial Expenditures.

By Marshall M. Strong. Petition of James Sexton and divers others, citizens of Racine county, asking the Legislature to vacate a certain road ;

Which was referred to the committee on Roads.

Mr. Knowlton gave notice that he should, on some future day, ask leave to introduce a bill relative to the county of Crawford, and the counties thereunto attached for judicial purposes.

Moses M. Strong, from the committee on internal improvements, to which petitions on the subject had been referred, reported

No. 32, (C.) "A bill to incorporate the Milwaukee and Mississippi rail road company ;

Which was read the first and second times.

Mr. Baker, from the majority committee on the judiciary, to which petitions on the subject had been referred, reported

No. 33, (C.) "A bill regulating the mode of granting licenses to sell spirituous liquors ;"

Which was read the first and second times.

Mr. Reed, from the committee on engrossed bills reported

No. 11, (C.) "A bill to amend the act concerning proceedings in courts of record, and for other purposes,"

As correctly engrossed.

Mr. Frank, from the committee on schools to which petitions on the subject had been referred, reported

No. 34, (C.) "A bill to authorize school district No. 3, in the county of Dane, to levy a tax to build a school house ;"

Which was read the first and second times.

Mr. Wilcox, from the committee on incorporations, to which petitions on the subject was referred, reported

No. 35, (C.) "A bill to incorporate the village of Sheboygan ;"

Which was read the first and second times, and

The rule requiring the same to be printed was suspended.

Mr. Frank, from the committee on schools, to which the petition on the subject had been referred, reported

No. 36, (C.) "A bill to incorporate the Beloit College ;"

Which was read the first and second times.

Mr. Kneeland, on leave, introduced

No. 4, (C.) "Memorial to Congress on the subject of a collection district and a port of entry ;"

Which was read the first and second times.

Mr. Frank, from the joint select committee, to which was

referred so much of the Governor's message as relates to the formation of a State Government, together with all petitions and documents, pertaining to that subject, submitted their report, which was read, and

On motion of Moses M. Strong,

Five hundred copies of the same were ordered to be printed.

[See *Appendix*.]

No. 1, (H. of R.) "A bill to change the form of government in the county of Washington, and for other purposes;"

Was read the third time, passed, and the title thereof agreed to.

No. 11, (C.) "A bill to amend the act concerning proceedings in courts of record, and for other purposes;"

Was taken up and read the third time, and the question being, "shall the bill pass?" was put

And decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Kimball, Moses M. Strong, Reed, and Rountree.

The Council then went into committee of the whole on

No. 22, (C.) "A bill in relation to the formation of a State Government in Wisconsin,"

Mr. Reed in the chair.

Committee rose and reported that they had made some progress in said bill and asked leave to sit again thereon;

Which was given.

A message from the House of Representatives by their chief clerk:

"Mr. President—The House of Representatives have passed

No. 10, (H. of R.) "A bill giving further time to appeal from decisions of Judges of Probate;"

No. 15, (H. of R.) "A bill to abolish the office of county collector;"

No. 20, (H. of R.) "A bill to repeal the fourth section of an act entitled 'an act to amend an act entitled an act for assessing and collecting county revenue,'"

In which I am directed to ask the concurrence of this House.

Also, No. 12, (C.) "A bill to provide for the payment of certain claims against the Territory ;"

No. 18, (C.) "A bill to provide for the payment of M. M. Jackson's account for services as Attorney General ;"

No. 6, (C.) "A bill relating to the purchase and redemption of real estate sold on execution ;"

The last with amendments, in which the concurrence of this House is requested.

The House has passed a resolution of which the following is a copy, to wit :

*Resolved*, (the Council concurring) That all petitions and remonstrances relating to a division of Milwaukee county be referred to a joint select committee consisting of the delegation from that county, of both Houses of the Legislative Assembly ;

In which I am directed to ask the concurrence of this House.

The House have non-concurred in the amendments of the Council to

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce.'"

The House of Representatives have also passed

No. 16, (H. of R.) "A bill in addition to an act entitled 'an act to amend an act of the revised statutes entitled an act concerning the writ of attachment, approved February 15th, 1842 ;' "

In which the concurrence of this House is requested."

Mr. Frank presented the resignation of Augustus Quarles as Assistant Secretary ;

Which was accepted by the Council.

On motion of Moses M. Strong,

*Resolved*, That the Secretary of the Council be authorized to employ some person to perform the duties of Assistant Secretary until otherwise ordered.

Council adjourned until half past two o'clock, P. M.



## HALF PAST TWO O'CLOCK, P. M.

Council met pursuant to adjournment.

The Council resumed its session in committee of the whole on

No. 22, (C.) "A bill relative to the formation of a State Government in Wisconsin,"

Mr. Reed in the chair.

The Chief Clerk of the House of Representatives having been announced, the President resumed the chair, when the following message from the House of Representatives was received.

"Mr. President—The House of Representatives have passed

No. 3, (C.) "Memorial to Congress for the improvement of the Fox and Wisconsin rivers;"

No. 4, (C.) "Joint resolution relative to procuring a sett of standard weights and measures," and

No. 23, (C.) "A bill to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory."

And have concurred in the amendment of the Council to

No. 1, (H. of R.) "A bill to change the form of Government in the county of Washington and for other purposes."

The committee then resumed its session on said bill.

Committee rose, reported that they had made some progress thereon and asked leave to sit again ;

Which was given.

The Council adjourned.

**SATURDAY, January 17, 1846.**

At ten o'clock the Council met.

The journal of yesterday was read and corrected.

Marshall M. Strong, from the committee on the Judiciary, to which the same had been referred, reported adversely to the petition of F. W. Shoellner, for a divorce from his wife Augusta.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 5, (C.) "Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory;" and

No. 14, (C.) "A bill to incorporate the Wisconsin Mutual Fire Insurance Company."

Mr. Kneeland, on leave, introduced

No. 6, (C.) "Joint resolution relative to the appointment of a United States Consul to Germany;"

Which was laid on the table.

The Council then took up

No. 6, (C.) "A bill relating to the purchase and redemption of real estate sold on execution;"

And the question being on concurring in the amendment of the House of Representatives thereto,

It was put, and decided in the affirmative.

So the amendment of the House was agreed to.

The Council then took up

No. 4, (H. of R.) "A bill to amend an act entitled 'an act concerning divorce.'"

Mr. Whiton moved that the Council insist upon their amendment to said bill;

Which was agreed to.

So the Council insisted upon their amendment to the bill.

No. 10, (H. of R.) "A bill granting further time to appeal from the decisions of judges of probate;"

No. 15, (C.) "A bill in addition to an act entitled an act to amend the act of the Revised Statutes entitled an act concerning the writ of attachment, approved Feb. 15, 1842 ;"

Were severally read the first and second times, and

Referred to the committee on the Judiciary.

No. 15, (H. of R.) "A bill to abolish the office of county collector ;" and

No. 20, (H. of R.) "A bill to repeal the fourth section of an act entitled 'an act to amend the act entitled an act for assessing and collecting county revenue, approved Feb. 19, 1841 ;'"

Were severally read and referred to Councillors from the counties under the county system of government.

No. 5, (C.) "Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory ;"

Was read the third time, passed, and the title thereof was agreed to.

On motion of Moses M. Strong,

No. 14, (C.) "A bill to incorporate the Wisconsin Mutual Fire Insurance Company ;"

Was re-committed to the committee on Engrossed Bills.

The unfinished business of yesterday was taken up, and

The Council then went again into committee of the whole on

No. 22, (C.) "A bill in relation to the formation of a state government in Wisconsin ;"

Mr. Reed in the chair.

The Chief Clerk of the House of Representatives having been announced, the President resumed the chair, when the following message from the House of Representatives was received, to wit :

"Mr. President—The House of Representatives have passed the following memorial and bills, in which the concurrence of this House is requested :

No. 3, (H. of R.) "Memorial to Congress on the subject of a rail route ;"

No. 25, (H. of R.) "A bill to organize the county of Sheboygan for judicial purposes ;"

No. 19, (H. of R.) "A bill to re-organize certain towns in Jefferson county;"

No. 2, (H. of R.) "A bill to amend the election law concerning justices of the peace;"

No. 22, (H. of R.) "A bill for the relief of John J. Driggs;" and

No. 21, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the Wisconsin River Navigation Company.'"

The committee then resumed the consideration of the said bill.

Committee rose and reported the same back to the Council with amendments.

Mr. Catlin, on leave, from the committee on Territorial Affairs, reported

No. 37, (C.) "A bill to define the boundary line between the counties of Marquette and Fond du Lac;"

Which was read the first and second times.

Mr. Baker, on leave, introduced

No. 38, (C.) "A bill to authorize religious societies to lease or sell their real estate;"

Which was read the first and second times.

Council adjourned to half-past two o'clock this afternoon.

## HALF PAST TWO O'CLOCK, P. M.

Council met pursuant to adjournment.

The Council then resumed the consideration of the unfinished business of this morning, which was on agreeing to the amendments reported by the committee of the whole to

No 22, (C.) "A bill in relation to the formation of a state government in Wisconsin."

The Council concurred in the amendment of the committee to section four, which is to insert after the word "ascertain" in the second line, the words "the same." Also, to the amendment in the sixth section; which was to insert in the

second line, after the word "appointed," the words "and accept said appointment."

The Council also concurred in the amendment reported by the committee of the whole to the ninth section of said bill; which was to insert after the words "Provided that," where it first occurs, the words "the counties of Crawford, Chipewa, St. Croix and La Pointe."

The question then recurred on agreeing to the further amendment reported by the committee of the whole to the said ninth section; which was to strike out all after the word "section," in the seventh line, and insert as follows, to wit:

"Each county shall pay for taking the census within its own limits, and for the abstracts and copies of the same;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 9—noes 4.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Catlin, Kimball, Kneeland, Reed, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

Noes—Messrs. Baker, Frank, Knowlton and Moses M. Strong.

So the said amendment was agreed to.

The question then recurred on agreeing to the further amendment reported by the committee of the whole to section nine; which was to strike out "two dollars," in section nine, and insert in lieu thereof, "one dollar and fifty cents;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 10—noes 3.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed, Rountree, Marshall M. Strong, Whiton, and Dewey, (President.)

Noes—Messrs. Knowlton, Moses M. Strong and Wilcox.

So said amendment was agreed to.

The Council then agreed to the amendments reported by the committee of the whole to the eleventh section, which were as follows: Insert after "additional delegate," in sixth line, the words "in any county;" Also, strike out the words "to be," in the seventh line, and insert in lieu thereof the word "as."

The Council also agreed to the amendments reported by the committee of the whole to the thirteenth section; which was to insert after the word "sheriff," in the twelfth line, as follows:

"Excepting the counties of Chippewa, St. Croix and La Pointe, in which said counties it shall be the duty of the clerk of the board of county commissioners to do the duties herein required to be done by the sheriff."

The Council then agreed to the amendment reported by the committee of the whole to section fifteen; which was to strike out the second paragraph, which included all after the word "Representatives," in the fourth line, to the words "and the person," in the seventh line.

The question then recurred on agreeing to the further amendment reported by the committee of the whole, which was to add a new section thereto as follows:

"The delegates to such convention shall be entitled to one dollar and fifty cents per day for every day's attendance at said convention, and ten cents per mile travel in going to and returning from said convention, to be paid out of the territorial treasury."

Mr. Rountree moved to amend said amendment, by striking out the words "and fifty cents;"

And the question thereon having been put, it was

Decided in the negative,

Ayes 6—noes 7.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Catlin, Frank, Kneeland, Knowlton, Rountree and Dewey, (President.)

Noes—Messrs. Baker, Kimball, Reed, Marshall M. Strong, Moses M. Strong, Whiton, and Wilcox.

So the Council refused so to amend said amendment.

Moses M. Strong moved to amend said amendment, by striking out the words "one dollar and fifty cents," and inserting in lieu thereof the words "two dollars;"

And the question thereon having been put,

It was decided in the negative,

Ayes 4—noes 9.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Knowlton, Moses M. Strong and Wilcox.

Noes—Messrs. Catlin, Frank, Kimball, Kneeland, Reed, Rountree, Marshall M. Strong, Whiton and Dewey, (President.)

So the Council refused so to amend said amendment.

Mr. Rountree then moved to amend the said amendment, by striking out "fifty," and inserting "twenty-five;"

The question thereon having been put, it was

Decided in the negative,

Ayes 5—noes 8.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Catlin, Frank, Kneeland, Rountree and Dewey, (President.)

Noes—Messrs. Baker, Kimball, Knowlton, Reed, Marshall M. Strong, Moses M. Strong, Whiton and Wilcox.

So the Council refused so to amend said amendment.

Mr. Knowlton moved to amend the amendment of the committee of the whole, by striking out "fifty," and inserting "seventy-five;"

And the question thereon having been put,

It was decided in the negative,

Ayes 4—noes 9.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Knowlton, Moses M. Strong and Wilcox.

Noes—Messrs. Catlin, Frank, Kimball, Kneeland, Reed, Rountree, Marshall M. Strong, Whiton, and Dewey, (President.)

So the Council refused so to amend said amendment.

The Council then agreed to said amendment as reported by the committee of the whole.

The Council then agreed to the following amendment reported by the committee of the whole; which was to add a new section thereto, as follows:

"The convention shall by ballot elect one of their number president, and appoint one or more secretaries: the convention may employ a doorkeeper, messenger and fireman, who shall be allowed the same amount *per diem* as the delegates: the convention may also employ a printer to do its necessary printing. The amount of pay to each delegate and officer of the convention shall be certified to by the president of the convention."

The Council then agreed to the further amendment reported by the committee of the whole, which was to add three new sections as follows:

"Sec. If any person shall vote at either of the elections provided for by this act who shall not possess the qualifications of a voter as the same are prescribed in this act, he shall be punished by a fine not less than fifty dollars, nor more than one hundred dollars." Also,

"Sec. When any person shall offer to vote at either of the elections provided for by this act, and either of the judges of election shall suspect that such person does not possess the qualifications of a voter; or, if his vote shall be challenged by a voter, one of the judges of election shall tender to such person an oath or affirmation in the following form: 'I, A. B., do solemnly swear, (or affirm, as the case may be,) that I have a lawful right to vote at this election, as I verily believe;' and if such person shall take such oath or affirmation, his vote shall be received, unless it shall be proved, by evidence satisfactory to a majority of the judges, that he does not possess the qualifications of a voter; and if such person refuses to take such oath or affirmation, his vote shall be rejected."

"Sec. If any person shall take said oath or affirmation, knowing it to be false, he shall be deemed guilty of perjury."



The question then recurred on agreeing to the further amendment reported by the committee of the whole, which was to add a new section, as follows :

"Sec. The general annual election shall hereafter be held in the several counties of the Territory on the first Monday of September annually, instead of the fourth Monday of September, as now prescribed by law ;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 7—noes 6.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Knowlton, Reed, Marshall M. Strong, and Moses M. Strong.

Noes—Messrs. Catlin, Kneeland, Rountree, Whiton, Wilcox and Dewey, (President.)

So the Council agreed to said amendment.

The Council then agreed to the further amendment reported by the committee of the whole, which was to add a new section, as follows :

"Sec. Said convention shall have power to submit the constitution adopted by them to a vote of the people, if they shall deem proper, and to provide how the votes cast upon that subject shall be taken, canvassed and returned ; and shall also have power to submit the said constitution to the Congress of the United States, and to apply for the admission of Wisconsin into the Union of the United States, as a sovereign state ; Provided that said constitution shall be eventually ratified by the people, either before or after the action of Congress upon the same."

The question then recurred on agreeing to the amendment reported by the committee of the whole to section sixteen ; which was to strike out the words "second Monday of November," and insert "first Tuesday of October ;" when,

On motion of Moses M. Strong,

Said amendment was amended by striking out the word "Tuesday," and inserting the word "Monday."

The question then recurred on agreeing to the amendment reported by the committee of the whole, as amended ;

And having been put,  
It was decided in the affirmative,  
Ayes 8—noes 5.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Baker, Frank, Kimball, Knowlton, Reed, Marshall M. Strong, Moses M. Strong and Wilcox.

Noes—Messrs. Catlin, Kneeland, Rountree, Whiton and Dewey, (President.)

So said amendment, as amended, was agreed to.

The Council then agreed to the further amendment reported by the committee of the whole, by inserting after the word "Indians," in the seventh line of the seventh section, the words "not citizens."

All of the amendments reported by the committee of the whole having been acted on, the said bill was then open to further amendment.

Mr. Knowlton moved to amend the same by inserting after the words "enumerated therein," in the fifth line of the ninth section, the words "one-half to be paid out of the territorial treasury, anything hereinafter contained to the contrary, notwithstanding ;"

And the question thereon having been put,  
It was decided in the negative,  
Ayes 5—noes 8.

And the ayes and noes having been ordered they were as follows :

Ayes—Messrs. Frank, Kneeland, Knowlton, Moses M. Strong and Wilcox.

Noes—Messrs. Baker, Catlin, Kimball, Reed, Rountree, Marshall M. Strong, Whiton and Dewey, (President.)

So the Council refused so to amend said bill.

Mr. Rountree moved to amend said bill by striking out all of the first line of the third section to the words "is hereby;" Also, by striking out of the third and fourth lines of said section, after the words "and the," the words "persons so appointed," and insert the word "sheriffs ;"

Which was disagreed to.

So the Council refused so to amend said bill.

Marshall M. Strong then moved to amend said bill, by striking out of the eleventh section all after the first paragraph to the fourth paragraph, and insert as follows:

"He shall apportion one delegate to every county in the Territory for every thirteen hundred inhabitants in said county, and an additional delegate in every county, if there shall be a fraction in such county over and above the said number of thirteen hundred or any multiple of that number, greater than one moiety of said number. Provided, that there shall be one delegate apportioned to each organized county, whether it shall contain the number of thirteen hundred inhabitants or not; and no county shall be entitled to two delegates in said convention, unless it shall contain over nineteen hundred and fifty inhabitants;"

And the question thereon having been put,

It was decided in the affirmative,

Ayes 7—noes 6.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Baker, Frank, Kimball, Kneeland, Reed, Rountree and Marshall M. Strong.

Noes—Messrs. Catlin, Knowlton, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)

So the said amendment was adopted.

Moses M. Strong moved further to amend said bill, in section sixteen, by striking out "first Monday of October," and insert "third Monday of July;"

And the question thereon having been put,

It was decided in the negative,

Ayes 2—noes 11.

And the ayes and noes having been ordered they were as follows:

Ayes—Messrs. Frank and Moses M. Strong.

Noes—Messrs. Baker, Catlin, Kimball, Kneeland, Knowlton, Reed, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)

So the Council refused so to amend said bill.

Mr. Whiton moved to amend said bill, in the first section thereof, by striking out of the first line all after the word

“every” to the word “vote” in the fourth line, and insert in lieu thereof the words, “male inhabitants of the Territory, being a citizen of the United States who shall have resided in the territory for six months next preceding thereto, may;”

Pending the question thereon,

Moses M. Strong called for the previous question ;

And the call having been seconded by a majority of the Council,

And the question, “ Shall the main question be now put ?” being put,

It was decided in the affirmative,

Ayes 11—noes 2.

And the ayes and noes having been ordered, they were as follows :

Ayes—Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed, Rountree, Marshall M. Strong, Moses M. Strong, Wilcox and Dewey, (President.)

Noes—Messrs. Knowlton and Whiton,

So said bill was

*Ordered* to be engrossed and read a third time.

The Council adjourned.

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### MONDAY, January 19, 1846.

At ten o'clock the Council met.

Prayer by Rev. Mr. McHugh.

The President laid before the Council the resignation of Ben C. Eastman, Secretary of the Council ;

Which was read and accepted by the Council.

On motion of Moses M. Strong,

The Council proceeded to the election of a Secretary to fill the vacancy occasioned by said resignation.

Moses M. Strong nominated William R. Smith for the office of Secretary.

The President appointed Messrs. Baker and Rountree tellers to receive and canvass the votes.

A ballot having been taken the tellers reported as follows :

Whole number of votes	13
Necessary to a choice	7
William R. Smith received	8
C. Latham Sholes	3

The President announced that William R. Smith having received a majority of all the votes cast was duly elected Secretary of the Council.

On motion of Mr. Baker,

The Council proceeded to the election of Assistant Secretary of the Council.

Moses M. Strong nominated C. P. Hiller for said office.

Messrs. Baker and Rountree acting as tellers.

A ballot having been taken the tellers reported as follows, to wit :

Whole number of votes are	13
Necessary to a choice	7
C. P. Hiller received	11
C. Latham Sholes	1
Blank	1

The President declared C. P. Hiller as duly elected Assistant Secretary of the Council, whereupon the said officers appeared at the President's desk and were sworn to the faithful discharge of the duties of their respective offices.

The reading of the journal of Saturday was dispensed with, Petitions were presented and referred as follows, to wit :

By Mr. Frank. The petition of C. J. Hutchinson, praying that he may be allowed the occupancy of a certain street in the village of Southport ;

Which was referred to the committee on the Judiciary.

By, Mr. Catlin. The petition of the inhabitants of Dodge

county, praying that town 10, range 13 east, be organized for township government by the name of Elba ;

Which was, on his motion, laid on the table.

Also, Daniel Baxter's account for interest on bonds surrendered;

Which was referred to the committee on Territorial Expenditures.

By Mr. Reed. Petition of P. G. Jones and 25 other inhabitants of Milwaukee county, asking for a rail road from Milwaukee to the Mississippi river ;

Which was referred to the committee on Internal Improvements.

By Mr. Kneeland. Two petitions of the inhabitants of Milwaukee county, on the same subject ;

Which was referred to the same committee.

Mr. Frank, presented a communication from the committee of a convention on the subject of education in the Territory of Wisconsin ;

Which was read by the Secretary and laid on the table.

Mr. Strong, of Racine, offered the following resolution, to wit :

*Resolved*, That the committee on the Judiciary be instructed to introduce a bill to abolish the punishment by death in all cases,

Moses M. Strong offered the following amendment : insert after the word " instructed," " to inquire into the expediency of ;"

Which was agreed to,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kneeland, Reed, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Kimball, Knowlton, Rountree and Marshall M. Strong,—6.

The question then recurred on the adoption of the resolution as amended,

The resolution as amended was negatived.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Frank, Kimball, Kneeland and Marshall M. Strong,—4.

Those who voted in the negative were,

Messrs. Baker, Catlin, Knowlton, Reed, Rountree, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)—9.

Mr. Whiton offered the following resolution :

*Resolved*, That bill No. 22, Council file, entitled "a bill in relation to the formation of a State Government in Wisconsin" be referred to the committee on the judiciary, with instruction to report the same back to the Council so amended as to give to colored persons who are citizens of the United States the same right to vote at the elections provided for in said bill as by said bill is given to white persons.

Mr. Kneeland moved that said resolution lay on the table.

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Reed, Marshall M. Strong and Wilcox,—7.

Those who voted in the negative were,

Messrs. Catlin, Knowlton, Rountree, Moses M. Strong, Whiton and Dewey, (President.)—6.

Mr. Strong, of Racine, offered the following resolution :

*Resolved*, That the Secretary of the Council be authorized to employ such assistance as shall be necessary to do the writing for the Council ;

Which was adopted.

Mr. Whiton, from the committee on enrolled bills, reported as correctly enrolled the following, to wit :

"An act to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory."

"An act to authorize persons having a lien upon lands to pay the taxes upon the same."

"An act relating to coroners."

"An act for the relief of Benton and Garfield."

"An act to provide for the payment of M. M. Jackson's account for services as Attorney General;" and

"A memorial to Congress for the improvement of the Fox and Wisconsin rivers."

Mr. Knowlton gave notice that he would, on to-morrow, or some future day, ask leave to introduce "A bill relating to the county of St. Croix," and also,

"A memorial to Congress relative to a mail route from the Falls of St. Croix, to La Pointe, on Lake Superior."

Mr. Reed, from the committee on engrossed bills, reported the following as correctly engrossed, to wit:

No. 22, (C.) "A bill in relation to the formation of a state government in Wisconsin."

No. 19, (C.) "A bill to incorporate the Rock River Fire Insurance Company."

Mr. Knowlton, from the committee on Territorial Roads, to whom the matter had been referred, reported

No. 40, (C.) "A bill to lay out certain territorial roads therein named;"

Which was read the first and second times, and the printing thereof dispensed with.

Also reported adversely to the petition of James Saxton and other inhabitants of Racine county, asking for the vacation of a certain road in said county.

No. 39, (C.) "A bill relative to the county of Crawford and the counties thereto attached for judicial purposes."

No. 40, (C.) "A bill to provide for laying out certain territorial roads therein named;"

Were then read the first and second times, and the printing thereof dispensed with.

Mr. Kneeland, from the joint committee on Territorial Expenditures, to whom the subject had been referred, reported

No. 41, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;"

Which was read the first and second times, and the printing thereof dispensed with.

No. 25, (H. of R.) "A bill to organize the county of Sheboygan for judicial purposes,"

Was then taken up and read the first and second times, and

On motion of Mr. Kneeland,

Referred to the committee on the Judiciary.

No. 21, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the Wisconsin River Navigation Company;'"



Was read the first and second times.

No. 2 (H. of R.) "A bill to amend the election law concerning justices of the peace;"

Was read the first and second times, and

Referred to the committee on the Judiciary.

No. 19, (H. of R.) "A bill to re-organize certain towns in Jefferson county;"

No. 22, (H. of R.) "A bill for the relief of John J. Driggs;"

No. 3, (H. of R.) "Memorial to Congress on the subject of a rail route;"

Were severally read the first and second times.

Moses M. Strong moved that bill No. 22 (H. of R.) be referred to the committee of the whole House;

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Kimball, Kneeland, Knowlton, Reed, Rountree, Moses M. Strong and Wilcox—8.

Those who voted in the negative were,

Messrs. Catlin, Frank, Marshall M. Strong, Whiton and Dewey, (President),—5.

The President announced as in order,

No. 6, (H. of R.) "A bill to amend an act entitled 'an act concerning replevin;' " when,

On motion of Moses M. Strong,

The rule having been suspended for that purpose,

No. 19, (C.) "A bill to incorporate the Rock River Fire Insurance Company;" and

No. 22, (C.) "A bill in relation to the formation of a state government in Wisconsin;"

Were severally taken up, read the third time, passed, the titles thereof agreed to, and the same were transmitted to the House of Representatives.

The President announced as in order,

No. 6, (H. of R.) "A bill to amend an act entitled 'an act concerning replevin;'"

No. 9, (H. of R.) "A bill to change the form of government in the county of Dodge."

On motion of Moses M. Strong,

Said bill No. 6, (H. of R.) was referred to the committee on the Judiciary; and

The Council resolved itself into a committee of the whole on said bill No. 9, (H. of R.)

Mr. Frank in the chair;

And after some time spent therein, the committee rose, and by their chairman reported said bill with amendments.

The amendments were concurred in; when

Moses M. Strong moved further to amend the bill, by striking out the word "Salubria," in the 16th. section, and inserting "Hubbard" in the place thereof;

Which was agreed to;

And the bill ordered to be engrossed and read a third time.

The following message was received from the House of Representatives by their chief clerk:

"Mr. President—The House of Representatives have passed

No. 14, (H. of R.) "A bill relating to constable's fees;"

No. 24, (H. of R.) "A bill to incorporate the First Congregational Society of the town of Troy;"

No. 27, (H. of R.) "A bill to repeal certain acts therein named, and to revise the act of the Revised Statutes entitled 'An act relating to the militia.'"

No. 29, (H. of R.) "A bill to provide for re-locating the seat of justice of Sauk county, and for other purposes;"

No. 23, (H. of R.) "A bill to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company,' approved Feb. 28, 1839;"

In all of which the concurrence of this House is requested.

I am directed to present for the signature of the President,

"An act to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory;"

"An act to authorize persons having a lien upon land to pay the taxes upon the same;"

"A memorial to Congress for the improvement of the Fox and Wisconsin rivers;"

"An act to provide for the payment of M. M. Jackson's account for services as Attorney General;"

"An act for the relief of Benton & Garfield;" and

"An act relating to coroners;"

Which have been signed by the Speaker of the House of Representatives."

The following entitled acts and memorial were severally signed by the President of the Council:

"An act to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory;"

"An act to authorize persons having a lien upon land to pay the taxes upon the same;"

"A memorial to Congress for the improvement of the Fox and Wisconsin rivers;"

"An act to provide for the payment of M. M. Jackson's account for services as Attorney General;"

"An act for the relief of Benton & Garfield;" and

"An act relating to coroners."

The Council resolved itself into a committee of the whole on the following bills and memorial;

Mr. Strong, of Iowa, in the chair.

No. 34, (C.) entitled "A bill to authorize school district No. 3, in the county of Dane, to levy a tax to build a school house;"

No. 32, (C.) "A bill to amend the several acts relating to Prairieville academy;"

No. 4, (C.) "Memorial to Congress on the subject of a collection district and a port of entry;"

No. 20, (C.) "A bill to authorize school district No. 7, in Snake Hollow school town, in Grant county, to levy an additional tax to build a school house;"

No. 25, (C.) "A bill to authorize certain persons to build a dam across Milwaukee river;"

No. 28, (C.) "A bill to authorize school district No. 1, in Platteville school district, to build a school house;"

No. 29, (C.) "A bill to amend an act entitled 'an act concerning masters in chancery.'"

No. 30, (C.) "A bill to amend an act entitled 'an act to authorize the construction of certain dams across the Rock river,' approved April 1st, 1833."

No. 31, (C.) "A bill to authorize certain counties to lay a special tax ;"

No. 35, (C.) "A bill to incorporate the village of Sheboygan ;"

No. 21, (C.) "A bill to incorporate the First Baptist Society in the town of Milwaukee ;"

No. 15, (C.) "A bill to divide the territory of Wisconsin into new election districts for members of the Legislature ;"

No. 27, (C.) "A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee ;"

And after some time spent thereon, the committee rose, and by their chairman, reported

No. 34, (C.) with an amendment ;

Which was concurred in ;

And Council bills Nos. 32, 20, 25, 28, 29, 30 and 31, without amendment.

The said bills were then severally ordered to be engrossed and read the third time ;

And also reported progress on bills Nos. 15, 27 and 35, and asked leave to sit again thereon.

Leave was granted.

Also reported No. 21, (C.) without amendment ;

And the question being,

"Shall this bill be engrossed and read a third time ?"

Pending the question on which,

On motion of Moses M. Strong,

The further consideration of said bill was postponed until to-morrow.

On motion of Moses M. Strong,

The Council adjourned.

**TUESDAY, January 20, 1846.**

Prayer by Rev. Mr. McHugh.

The journal was read and corrected.

Petitions were presented and referred as follows, to wit :

By Mr. Baker. Petition of R. S. Dunn and 36 other citizens of Walworth county, praying for the organization of a State Government ;

Which was, on his motion, laid on the table.

By Mr. Kneeland. Four petitions of citizens of Milwaukee county against the postponement of the canal land sales ;

Which were severally referred to the committee on Internal Improvements.

Also, the claim of Harrison Luddington against the Territory for interest on bond ;

Which was referred to the committee on Territorial Expenditures.

Mr. Catlin offered the following resolution, to wit :

*Resolved*, That the judiciary committee enquire and report to the Council whether the British Temperance Emigration Society can take, hold and convey real estate by the laws of the United States and of this Territory ;

Which was rejected.

Mr. Whiton, from the committee on enrolled bills, reported as correctly enrolled the following, to wit :

" An act to provide for the payment of certain claims against the Territory."

" Joint resolution relating to procuring a set of standard weights and measures,"

" An act to change the form of Government in the county of Washington, and for other purposes."

Mr. Knowlton, in pursuance to previous notice, and by leave, introduced

No. 42, (C.) " A bill relating to the county of St. Croix ;" also,

No. 5, (C.) " A memorial to the Congress of the United

States relative to a mail route from the Falls of St. Croix, to La Pointe on Lake Superior ;”

Which were severally read the first and second times, and the printing thereof dispensed with.

Moses M. Strong, the rule having been suspended for that purpose, introduced

No. 43, (C.) “ A bill to change the time of holding district courts in the first judicial district ;”

Which was read the first and second times.

Mr. Reed, from the committee on engrossed bills, reported the following as correctly engrossed :

No. 14, (C.) “ A bill to incorporate the Wisconsin Mutual Fire Insurance Company.”

Marshall M. Strong, from the committee on the Judiciary, to whom the subject had been referred, reported adversely to

No. 16, (C.) “ A bill to provide for the redemption of real estate sold on execution.”

Mr. Whiton, from the committee to whom the matter had been referred, reported back to the Council

No. 26, (C.) “ A bill authorizing proceedings in chancery against corporations,”

Without amendments.

Mr. Whiton, from the committee on the Judiciary, to whom the petition of C. J. Hutchinson, asking for the occupancy of a part of a street in Southport, had been referred, reported that in the opinion of the committee the prayer of the petitioner ought not to be granted.

Mr. Reed introduced, by leave,

No. 6, (C.) “ A memorial to Congress on the subject of Harbors on Lake Michigan ;”

Which was read the first and second times.

Moses M. Strong introduced the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of extending the time for prosecuting writs of error and appeals in chancery in the supreme court of the Territory and of providing that the dismissal of writs of error and appeals in chancery except upon a hearing on the merits, shall not preclude the prosecution of another writ of error ;

Which was read by the Secretary and adopted.

Moses M. Strong, from the committee to whom that part of the Governor's message relating to the formation of a State in Wisconsin had been referred, reported

No. 7, (C.) "Joint resolution in relation to the admission of Wisconsin into the Union as a State ;"

Which was read the first and second times.

Marshall M. Strong, from the committee on the Judiciary, to which was referred

No. 10, (H. of R.) "A bill granting further time to appeal from the decisions of judges of probate ;"

Reported the same back to the Council with the following amendment :

"Strike out the words 'one year,' in the fifth line of said bill, and insert instead thereof the words 'six months.'"

The following message was received from the House of Representatives, by their chief clerk :

"Mr. President—The House of Representatives have passed

No. 5, (C.) "Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer," and

No. 1, (C.) "Resolution relative to the termination of the present session of the Legislative Assembly ;"

The last with an amendment, in which the concurrence of this House is requested."

The President announced the following entitled bills as in order, viz :

No. 14, (H. of R.) "A bill relating to constable's fees ;"

No. 24, (H. of R.) "A bill to incorporate the First Congregational Society of the town of Troy ;"

No. 29, (H. of R.) "A bill to provide for the relocating the seat of justice in Sauk county, and for other purposes ;"

Which were severally read the first and second times.

Marshall M. Strong, from the committee on the Judiciary, to which was referred

No. 10, (H. of R.) "A bill giving further time to appeal from the decisions of judges of probate,"

Reported the same back with an amendment ;

Whereupon it was read the second time.

On motion of Marshall M. Strong,

No. 27, (H. of R.) " A bill to repeal certain acts therein named, and to revive the act of the revised statutes, entitled 'an act relating to the militia,' "

Was referred to the committee on the Militia.

On motion of Mr. Catlin,

Said bill No. 29, (H. of R.) and

No. 23, (H. of R.) " A bill to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company,' "

Were referred to the committee on the Judiciary.

On motion of Moses M. Strong,

No. 43, (C.) " A bill to change the time of holding district courts in the first judicial district,"

Was referred to a select committee consisting of the members of said district.

The Council resolved itself into a committee of the whole on the following bills and memorial, viz :

No. 3, (H. of R.) " Memorial to Congress on the subject of a mail route."

No. 21, (H. of R.) " A bill to amend an act entitled 'an act to incorporate the Wisconsin River Navigation Company.' "

No. 19, (H. of R.) " A bill to re-organize certain towns in Jefferson county," and

No. 23, (H. of R.) " A bill for the relief of John J. Driggs."

Marshall M. Strong in the chair;

And after some time spent therein the committee rose and by their chairman reported Nos. 21, 19 and 23 without amendment, and memorial No. 3, with an amendment,

Which amendment was concurred in, when

On motion of Mr. Frank,

Said memorial was laid on the table.

No. 19, (H. of R.) and 21, (H. of R.) were read the third time, passed, and the titles thereof agreed to.

No. 23, (H. of R.) was then taken up, and the question being " shall this bill be engrossed and read a third time ?"

It was decided in the affirmative,



And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Frank, Kimball, Kneeland, Reed, Moses  
M. Strong and Wilcox,—7.

Those who voted in the negative were,  
Messrs. Catlin, Knowlton, Rountree Marshall M. Strong,  
Whiton and Dewey, (President,)—6.

The following message was received from the House of Representatives by their chief clerk :

“ Mr. President—I am directed to present for your signature

“ An act to change the form of government in the county of Washington, and for other purposes;”

“ An act to provide for the payment of certain claims against the Territory,” and

“ Joint resolution relative to procuring a sett of standard weights and measures :

Which have been signed by the Speaker of the House of Representatives.

The House of Representatives have passed

No. 3, (H. of R.) “ A bill to change the time of holding courts in certain counties in the second judicial district;”

No. 5, (H. of R.) “ A resolution instructing the Attorney General to commence legal proceedings against the Wisconsin Marine and Fire Insurance Company;”

No. 28, (H. of R.) “ A bill to provide for the collection of delinquent taxes on personal property in certain cases;”

No. 31, (H. of R.) “ A bill to construe an act to amend an act of the statutes of 1839, entitled ‘ an act concerning the Supreme and District Courts ;’ ” and

No. 7, (C.) “ A bill to provide for the more convenient mode of contesting the election of county and other officers,” the last with amendments.

In all of which the concurrence of this House is requested.”

The President thereupon signed the acts and resolution mentioned in the foregoing message.

Mr. Kneeland, on leave, introduced

No. 44, (C.) "A bill to provide for the payment of the interest on certain liquidated territorial bonds;"

Which was read the first and second times.

On motion of Mr. Baker,

No. 2 (H. of R.) "A bill to amend the election law concerning justices of the peace;"

Was read the second time, and

No. 9, (H. of R.) "A bill to change the form of government in the county of Dodge, and for other purposes;"

Was read the third time, passed, and the title thereof was agreed to.

On motion of Mr. Baker,

No. 21, (C.) was laid on the table.

No. 14, (C.) "A bill to incorporate the Wisconsin Mutual Fire Insurance Company,"

Was then taken up, read the third time, passed, and the title thereof agreed to.

Mr. Whiton, from the committee on enrolled bills, reported the following, to wit:

The joint committee on Enrolment report, that they did present to the Governor for his approval, on Tuesday, Jan. 20th, 1846, the following bills and memorial, to wit:

"An act for the establishment of a territorial road from Burlington, in Racine county, to Delavan, in Walworth county;"

"An act to provide for the payment of M. M. Jackson's account for services as Attorney General;" and

"An act to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory."

"An act to authorize persons having a lien upon lands to pay the taxes upon the same;"

"An act relating to coroners;"

"An act for the relief of Benton and Garfield;"

"A memorial to Congress for the improvement of the Fox and Wisconsin rivers."

On motion of Moses M. Strong,

No. 13, (C.) "A bill to divide the Territory of Wisconsin into new election districts for members of the Legislature;"

Was referred to a select committee consisting of one from each election district ;

Which committee consists of

Messrs. Moses M. Strong, Knowlton, Frank, Rountree, Reed, Wilcox, Catlin and Whiton.

On motion of Moses M. Strong,

No. 3, (H. of R.) was taken up ; when

Moses M. Strong moved to amend the same by adding a new paragraph ;

Which was agreed to.

Mr. Rountree moved further to amend said memorial, as follows :

“ Your memorialists further represent, that the interests of the country require the establishment of a mail route from Potosi to Platteville, in Grant county, and that a mail be carried on said route three times per week.”

Which was agreed to.

Said memorial was then read the third time as amended, and passed ;

When Moses M. Strong moved to amend the title by striking out “ a mail route,” and insert in the place thereof, “ certain mail routes ;”

Which was agreed to.

No. 1, (C.) “ Resolution relative to the termination of the Legislative Assembly ;”

Was taken up ; when

Moses M. Strong moved to amend the amendment of the House by striking out of said resolution “ Tuesday, 3d,” and insert in the place thereof, “ January 29 ;”

Which was lost ; ayes 6, noes 7.

The amendment of the House was concurred in, and the resolution, as amended, passed.

Mr. Frank, on leave given, the rule in such case having been suspended, introduced a bill,

No. 45, (C.) entitled “ A bill to authorize school district No. 1 in the town of Rochester to levy a tax ;”

Which bill was read a first and second time, and the printing thereof dispensed with.

The Council resolved itself into a committee of the whole on bills

No. 27, (C.) entitled "A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee;" and

No. 35, (C.) entitled "A bill to incorporate the village of Sheboygan;"

Mr. Whiton in the chair.

After some time spent therein, the committee rose, and by their chairman reported

Bill No. 27, without amendment, and

Bill No. 35, with an amendment.

The amendment was concurred in;

And the bill was ordered to be engrossed and read a third time.

Said bill No. 27 was laid on the table; when,

On motion of Moses M. Strong,

The Council adjourned until half-past two o'clock, P. M.

### HALF PAST TWO O'CLOCK, P. M.

The President announced as in order,

No. 40, (C.) "A bill to provide for laying out certain territorial roads therein named,"

No. 36, (C.) "A bill to incorporate Beloit College;"

No. 41, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;"

No. 33, (C.) "A bill regulating the mode of granting licences to sell intoxicating liquors."

The Council resolved itself into a committee of the whole on said bills;

Mr. Catlin in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

No. 41, without amendment,

And it was ordered to be engrossed for a third reading.

Also, that the committee had had under consideration,  
No. 39, (C.) "A bill relative to the county of Crawford  
and the counties thereto attached for judicial purposes ;"

Which was reported without amendment, and ordered to be  
engrossed and read a third time.

Also, No. 33, 36 and 40, (C.) with amendments.

The amendments to bill No. 36, (C.) were concurred in ;  
when

Moses M. Strong moved further to amend the bill, as fol-  
lows :

Insert after the words "twenty-four," in the 4th section,  
"not more than one-fourth of whom shall be ministers of the  
gospel, and not more than one-fourth of the board of trustees  
shall belong to the same religious denomination ;"

Which was negatived.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Reed and Moses M. Strong,—2.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowl-  
ton, Marshall M. Strong, Whiton, Wilcox and Dewey, (Pres-  
ident),—10.

Said bill was then ordered to be engrossed to be read a  
third time.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Knowlton, Marshall M.  
Strong, Whiton, Wilcox and Dewey, (President),—8.

Those who voted in the negative were,

Messrs. Kneeland, Reed, and Moses M. Strong,—3.

Marshall M. Strong moved to amend bill No. 33, (C.) by  
adding another section, as follows :

"No license shall be granted hereafter to tavern keepers to  
sell strong or spirituous liquors, unless they shall pay the same  
sum for such license as is now required by law to be paid by  
grocery keepers ;"

Which was negatived.

Moses M. Strong moved to postpone the further consideration of the bill indefinitely;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Knowlton, Reed, Marshall M. Strong and Moses M. Strong,—5.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kneeland, Whiton, Wilcox and Dewey, (President,)—7.

Moses M. Strong then moved to amend said bill, as follows :

Strike out all after the enacting clause, and insert

"Sec. 1. All acts or parts of acts providing for or in any manner authorizing the licensing of the sale of intoxicating liquors, are hereby repealed ;"

Which was negatived.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Knowlton, Reed, Moses M. Strong, and Wilcox,—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Kneeland, Marshall M. Strong, Whiton and Dewey, (President,)—6.

On motion of Moses M. Strong,

A call of the House was ordered,

Mr. Rountree was absent.

On motion of Mr. Baker,

Further proceedings on the call were suspended.

Moses M. Strong then moved farther to amend the bill, as follows :

Strike out all after the enacting clause, and insert "hereafter no license shall be granted for the sale of intoxicating liquors ; and any law of this Territory conflicting with the provisions of this section is hereby repealed."

On motion of Moses M. Strong,

A call of the House was ordered.

Mr. Rountree was absent.

The Sergeant-at-Arms was sent for Mr. Rountree, and further proceedings on the call suspended.

The question recurring on the motion of Moses M. Strong, It was agreed to.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Catlin, Kimball, Knowlton, Reed, Marshall M. Strong, Moses M. Strong and Wilcox—7.

Those who voted in the negative were,  
Messrs. Baker, Frank, Kneeland, Rountree, Whiton and Dewey, (President.)—6.

And the question being,  
" Shall this bill, as amended, be engrossed and read a third time ?"

It was decided in the negative.

And the ayes and noes having been called for,  
Those voted in the affirmative were,  
Moses M. Strong—1.  
Those who voted in the negative were,  
Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President.)—12.

Mr. Catlin, from the committee on Enrolled Bills, reported the following :

The joint committee on Enrolment report that they did on this day, to wit, the 20th of January, A. D. 1846, present to the Governor for his approval the following bills and resolution, to wit :

" An act to provide for the payment of certain claims against the Territory ;"

" An act to change the form of government in the county of Washington, and for other purposes ;" and

" Joint resolution relative to procuring a set of standard weights and measures."

No. 7, (C.) " A bill to provide for the more convenient mode of contesting the elections of county and other officers ;"

Was taken up ;

And the question being,

"Shall the amendments of the House to this bill be concurred in?"

It was decided in the affirmative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Knowlton, Rountree, Moses M. Strong, Whiton, Wilcox and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Kimball, Kneeland, Reed, and Marshall M. Strong,—6.

No. 3, (H. of R.) "A bill to change the time of holding courts in certain counties in the second judicial district;"

No. 28, (H. of R.) "A bill to provide for the collection of delinquent taxes on personal property, in certain cases;"

No. 31, (H. of R.) "A bill to construe an act to amend an act of the statutes of 1839 entitled 'an act concerning supreme and district courts;'"

Were severally read the first and second times.

On motion of Moses M. Strong,

The Council resolved itself into a committee of the whole on

No. 25, (H. of R.) "A bill to organize the county of Sheboygan for judicial purposes;"

Mr. Kneeland in the chair.

After some time spent therein, the committee rose, and by their chairman reported the bill without amendment; when

Mr. Reed moved to amend the bill by adding the following, to wit:

"Sec. 9. In case a majority of all the legal voters of Sheboygan county shall vote against the provisions of the 8th section of this act, it shall then be the duty of the county commissioners of said county to provide a temporary court house in said county until farther provided by law. Provided, however, that for such temporary purposes the said commissioners shall not expend in any one year more than one hundred dollars for renting and furnishing said court house or other county building."

"Sec. 10. No person shall be authorized to vote for the purposes specified in the 8th section of this act, who shall not



have been at least twenty days a resident of such county immediately preceding such election.

And the question being on the adoption of the amendments,

It was decided in the affirmative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Frank, Kneeland, Knowlton, Rountree, Whiton, Wilcox and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Catlin, Kimball, Reed, Marshall M. Strong and Moses M. Strong—6.

The bill was then passed and the title thereof agreed to.

The Council adjourned.

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### WEDNESDAY, January 21, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows, to wit:

By Mr. Reed. The petition of E. P. Maynard and 33 other citizens of Milwaukee, praying for a state government;

Which was laid on the table.

By Mr. Kneeland. The petition of the wardens and vestrymen of St. Paul's church, Milwaukee, asking for an act of incorporation;

Which was referred to the committee on Incorporations.

Also, the petition of 20 citizens of Milwaukee county, remonstrating against the postponement of the canal land sale;

Which was referred to the committee on Internal Improvements.

Also, twenty petitions of the citizens of Brown, Milwaukee and other counties, relative to the sale of intoxicating liquors;

Which were laid on the table.

By Mr. Frank. The petition of inhabitants of Southport, praying for the annexation of a part of said town to the town of Pike;

Which was referred to the committee on Internal Improvements.

By Mr. Catlin. The petition of citizens of Dane county, praying for the passage of an act authorizing the appointment of an interpreter to the Norwegians;

Which was laid on the table.

On motion of Moses M. Strong,

The rule having been suspended for that purpose,

No. 40, (C.) "A bill to lay out certain territorial roads therein named;"

Was taken up, and after several amendments were offered,

On motion of Mr. Knowlton,

Said bill was re-committed to the committee of the whole.

The following message was received from the Governor, by his private secretary, G. P. Delaplaine, Esq.:

"Mr. President—I am directed by the Governor to inform you that he did on the 20th inst. approve, sign, and deposite in the office of the Secretary of the territory:

"An act to provide for the payment of certain claims against the Territory;"

"An act for the relief of Benton & Garfield;"

"An act relating to coroners;"

"An act to provide for the payment of M. M. Jackson's account for services as Attorney General;"

"An act to provide for the payment of A. Botkin's account for services rendered while Auditor of the Territory;"

"An act to authorize persons having a lien upon land to pay the taxes upon the same;"

"Joint resolution relative to procuring a sett of standard weights and measures:" and

"A memorial to Congress for the improvement of the Fox and Wisconsin rivers."

Mr. Whiton, from the committee on enrolled bills, reported the following, to wit: :

The committee on Enrolment report as correctly enrolled,

"An act to re-organize certain towns in Jefferson county ;  
and

"An act relating to the purchase and redemption of real estate sold on execution."

Mr. Catlin presented a communication from the clerk of the board of county commissioners of Dane county ;

Which was read and laid on the table.

Marshall M. Strong, by leave, introduced,

No. 46, (C.) "A bill regulating tavern licenses ;"

No. 47, (C.) "A bill relating to suits on notes ;"

No. 48, (C.) "A bill relating to conveyancing ;" and

No. 52, (C.) "A bill to change the form of government of the county of Dane ;"

Which were severally read the first and second times.

Mr. Knowlton, by leave, introduced

No. 49, (C.) "A bill granting to James R. Vineyard the right of navigating Pine river ;"

Which bill was read a first and second time, and the printing thereof dispensed with.

Mr. Baker introduced

No. 50, (C.) "A bill to vacate certain streets in the village of Geneva ;"

Which was read the first and second times, and

Referred to the committee on Incorporations.

Mr. Reed, from the committee on Engrossed Bills, reported the following as correctly engrossed :

No. 5, (C.) "Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory ;"

No. 1, (C.) "Resolution relative to the termination of the present session of the Legislative Assembly ;"

No. 25, (C.) "A bill to authorize certain persons to build a dam across Milwaukee river ;"

No. 28, (C.) "A bill to authorize school district No. 1, in Platteville school district, to build a school house ;

No. 34, (C.) "A bill to authorize school district No. 3, in the county of Dane, to levy a tax to build a school house ;"

No. 31, (C.) "A bill to authorize certain counties to lay a special tax ;"

No. 30, (C.) "A bill to amend an act entitled 'an act to authorize the construction of certain dams across the Rock river,' approved April 1st, 1843;"

No. 29, (C.) "A bill to amend an act entitled 'an act concerning masters in chancery;"

No. 32, (C.) "A bill to amend the several acts relating to Prairieville academy ;"

No. 20, (C.) "A bill to authorize school district No. 7, in Snake Hollow school town, in Grant county, to levy an additional tax to build a school house ;"

No. 4, (C.) "Memorial to Congress on the subject of a collection district and a port of entry."

Mr. Kneeland, from the committee on Territorial Expenditures, to which the matter had been referred, reported

No. 51, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds ;

Which was read the first and second times, and the printing thereof dispensed with.

Moses M. Strong, from the select committee to whom the matter had been referred,

No. 43, (C.) "A bill to change the time of holding district courts in the first judicial district ;"

Reported the same back with the following amendment :

Strike out the following words in the 1st section : "In the county of Grant on the 3d Monday of May and the 3d Monday of November."

Moses M. Strong, from the select committee to whom had been referred

No. 15, (C.) "A bill to divide the territory of Wisconsin into new election districts for members of the Legislature ;"

Reported the same back with an amendment.

Whereupon said bill was read the first and second times.

On motion of Mr. Whiton,

The Council resolved itself into a committee of the whole for the consideration of the following bills and memorial :

No. 2 (H. of R.) " A bill to amend the election law concerning justices of the peace ;"

No. 14, (H. of R.) " A bill relating to constable's fees ;"

No. 24, (H. of R.) " A bill to incorporate the First Congregational Society of the town of Troy ;"

No. 31, (H. of R.) " A bill to construe an act to amend an act of the statutes of 1839, entitled ' an act concerning the Supreme and District Courts ;' "

No. 10, (H. of R.) " A bill giving further time to appeal from the decisions of judges of probate ;"

No. 28, (H. of R.) " A bill to provide for the collection of delinquent taxes on personal property in certain cases ;" and

No. 29, (H. of R.) " A bill to provide for re-locating the seat of justice of Sauk county, and for other purposes ;"

Moses M. Strong in the chair.

And after some time spent thereon, the committee rose, and by their chairman, reported

No. 2, with an amendment ; and

Nos. 24, 31, 28 and 14, without amendment.

Also, reported progress on bills Nos. 10 and 29, and asked leave to sit again thereon.

Leave was granted.

The following message was received from the House of Representatives by their chief clerk :

" Mr. President—The House of Representatives have concurred in the amendments of the House to

No. 9, (H. of R.) " A bill to change the form of government in the county of Dodge, and for other purposes. "

I am directed to present for the signature of the President,

" An act relating to the purchase and redemption of real estate sold on execution ;" and

" An act to re-organize certain towns in Jefferson county ;"

Which have been signed by the Speaker of the House of Representatives."

Whereupon, the President signed the several acts presented in the above message.

No. 2, (H. of R.) was then taken up ; and  
The amendments were concurred in ; when  
The bill was read the third time, passed, and the title  
thereof was agreed to.

No. 14, (H. of R.) was taken up ;  
And the question being,  
" Shall the bill be read a third time ?"  
It was decided in the negative.  
And the ayes and noes having been called for,  
Those voted in the affirmative were,  
Messrs. Baker, Kneeland, Knowlton and Wilcox—4.  
Those who voted in the negative were,  
Messrs. Catlin, Frank, Kimball, Reed, Rountree, Marshall  
M. Strong, Moses M. Strong, Whiton and Dewey, (President,)  
—9.

No. 28, (H. of R.) was taken up ; and  
On motion of Marshall M. Strong,  
Referred to the committee on the Judiciary.  
No. 24, (H. of R.) was, on motion, laid on the table ; and  
No. 31 was ordered to be engrossed and read a third time.  
No. 3, (H. of R.) " A bill to change the time of holding  
courts in certain counties in the second judicial district ;"

Was taken up : and

On motion of Mr. Catlin,  
Was laid on the table.

No. 22, (H. of R.) " A bill for the relief of John J. Driggs ;"  
Was read a third time ; and  
And the question being,  
" Shall this bill pass ?"  
It was decided in the affirmative.  
And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Frank, Kimball, Kneeland, Reed, Moses M.  
Strong and Wilcox,—7.

Those who voted in the negative were,  
Messrs. Catlin, Knowlton, Rountree, Marshall M. Strong,  
Whiton and Dewey, (President,)—6.  
The title was then agreed to.

The following message was received from the House of Representatives by their chief clerk :

" Mr. President—The House of Representatives have passed

No. 11, (H. of R.) " A bill to amend an act entitled ' an act to provide the means to pay the public debt of the territory, approved Feb. 26, 1845 ;' "

No. 4, (H. of R.) " A resolution providing for a final settlement of the claims of Daniel Baxter ;" and

No. 12, (H. of R.) " A bill to incorporate the city of Milwaukee ;" "

In which the concurrence of this House is requested. "

No. 4, (C.) " Memorial to Congress on the subject of a collection district and a port of entry, "

Was read the third time, passed, and the title thereof agreed to.

No. 20, (C.) " A bill to authorize School district No. seven, in Snake Hollow school town, in Grant county, to levy an additional tax to build a school house, "

Was read the third time, passed, and the title thereof agreed to.

No. 32, (C.) " A bill to amend the several acts relating to Prairieville academy, "

Was read the third time, passed, and the title thereof agreed to.

And on the question being " shall this bill pass ?" "

It was decided in the affirmative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, ( President, )—11.

Those who voted in the negative were,

Messrs. Baker and Moses M. Strong,—2.

Moses M. Strong then moved to amend the title as follows :  
" strike out all after ' bill, ' and insert ' to incorporate Carroll College ;" "

Which was agreed to.

And the title as amended was agreed to.

No. 31. (C.) "A bill to authorize certain counties to levy a special tax,"

Was read a third time, passed, and

Mr. Wilcox moved to amend the title, by striking out the same, and inserting as follows:

"A bill to authorize the counties of Calumet, Fond du Lac, Winnebago and Marquette to raise money for certain improvements, and for other purposes ;"

Which was agreed to.

And the title as amended was agreed to.

No. 34, (C.) "A bill to authorize school district No. 3, in the county of Dane to levy a tax to build a school house ;"

No. 28, (C.) "A bill to authorize school district No. 1, in Platteville school district to build a school house ;"

No. 25, (C.) "A bill to authorize certain persons to build a dam across Milwaukee river ;"

No. 30, (C.) "A bill to amend an act entitled 'an act to authorize the construction of certain dams across the Rock river, approved April 1, 1843 ;"

No. 29, (C.) "A bill to amend an act entitled 'an act concerning masters in chancery,"

Were severally read a third time, passed, and the titles thereof agreed to.

The Council resolved itself into a committee of the whole on

No. 26, (C.) "A bill authorizing proceedings in chancery against corporations ;"

No. 45, (C.) "A bill to authorize school district No. 1, in the town of Rochester to levy a tax ;"

No. 6, (C.) "A memorial to Congress on the subject of harbors on Lake Michigan ;"

No. 42, (C.) "A bill relating to the county of St. Croix ;"

No. 5, (C.) "Memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe on Lake Superior ;"

Mr. Whiton in the chair ;

And after some time the committee rose, and reported by their chairman



Bills Nos. 45 and 42, and memorials No. 5 and 6, without amendment, and bill No. 26 with amendments, which amendments were concurred in,

And on the question being, "shall this bill be engrossed and read a third time?"

Marshall M. Strong moved to amend the same.

Mr. Baker moved to refer the bill and amendments to the committee on the Judiciary;

Which was agreed to.

No. 6, (C.) "Memorial to Congress on the subject of harbors on Lake Michigan;"

Was ordered to be engrossed and read the third time.

No. 5, (C.) "Memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe, on Lake Superior,"

Was ordered to be engrossed and read the third time.

No. 42, (C.) "A bill relating to the county of St. Croix,"

Was ordered to be engrossed and read the third time.

No. 45, (C.) "A bill to authorize school district No. 1, in the town of Rochester, to levy a tax,"

Was ordered to be engrossed and read the third time.

The President announced bills Nos. 37 and 38, (C.) in order.

Bill No. 37, (C.) was taken up, and

On motion of Mr. Wilcox,

It was referred to the committee on the Judiciary.

The Council resolved itself into a committee of the whole on

No. 38, (C.) "A bill to authorize religious societies to lease or sell their real estate,"

Mr. Knowlton in the chair;

After some time spent therein, the committee rose, and reported by their chairman

No. 38, (C.) with amendments;

And on the question of concurring with the amendments,

Marshall M. Strong moved that the bill and amendments be referred to the committee on the Judiciary;

Which was disagreed to.

Mr. Catlin moved to lay the bill on the table ;  
Which was disagreed to.

On motion of Mr. Knowlton,

The bill was referred to the committee on the Judiciary.

Mr. Catlin, from the Joint committee on enrollment reported as follows, to wit :

The joint committee on enrollment report that they did, on this day, to wit: the twenty first day of January, A. D. 1846, present to the Governor for his approval the following bills, to wit :

“ An act to re-organize certain towns in Jefferson county ;”

“ An act relating to the purchase and redemption of real estate on execution.”

Mr. Wilcox, from the committee on incorporations, to which No. 13, (C.) “ A bill to incorporate the village of Madison” had been referred, reported the same back without amendment.

Marshall M. Strong, from the committee on the judiciary, on sold leave, reported

No. 52, (C.) “ A bill to change the form of Government of Dane county ;”

Which was read the first and second times.

On motion of Mr. Whiton,

The Council adjourned.

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### THURSDAY, January 22, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows, to wit :

By Mr. Wilcox. The petition of Phineas Terce and other inhabitants of Sheboygan county, asking for an act to incorporate the Carrollton Manufacturing Company ;

Which was, on his motion, laid on the table.

By Mr. Rountree. The petition of 100 inhabitants of Potosi, asking for a law to enable school district No. 3, in Potosi, to levy a tax to build a school house ;

Which was referred to the committee on Schools.

Also, the petition of Samuel Wilson and 102 others, asking for a city charter for Potosi, in Grant county ;

Which was referred to the committee on Incorporations.

Also, the petition of T. Clark and 77 others, asking for a charter to be granted to James F. Chapman to keep a ferry across Grant and Mississippi rivers, at Potosi, in Grant county ;

Which was referred to the committee on Internal Improvements.

Mr. Catlin presented the account of D. Clark for repairing furniture ;

Which was referred to the committee on Legislative Expenditures.

By Marshall M. Strong. The petition of Wallace Mygatt and 12 others, on the subject of a State Government ;

Which was, on his motion, laid on the table.

By Mr. Kneeland. The petition of Thomas L. Ogden and 43 other citizens of Milwaukee county, for the passage of a rail road charter from Milwaukee to the Mississippi river ;

Which was, on his motion, laid on the table.

Mr. Whiton, from the committee on enrolled bills, reported the following, to wit :

The committee on Enrollment report as correctly enrolled,

“ An act to provide for the more convenient mode of contesting the election of county and other officers ;

“ An act to amend an act entitled ‘ an act to incorporate the Wisconsin River Navigation Company,’ and

“ An act to change the form of Government in the county of Dodge, and for other purposes.”

Moses M. Strong offered the following resolution ;

Which was adopted.

*Resolved*, That the committee on Territorial Expenditures be instructed to report a memorial to Congress asking an additional appropriation for the improvement of the steam boat landing at Potosi on the Mississippi, in Wisconsin.

Marshall M. Strong, by leave, introduced  
No. 53, (C.) "A bill relating to billiard tables and nine pin alleys ;

Which was read the first and second times.

The following message was received from the Governor by his private secretary :

"Mr. President—I am directed by the Governor to inform you, that he did, on the 20th inst., approve, sign and deposite in the office of the Secretary :

"An act relating to the purchase and redemption of real estate sold on execution."

Mr. Knowlton gave notice that he would, on some future day, ask leave to introduce a memorial to the Congress of the United States relative to a road from Prairie du Chein to La Pointe."

Mr. Kneeland, from the joint committee on Territorial Expenditures, made the following report :

The joint committee on Territorial Expenditures, to whom was referred the petition of Samuel H. Davis, for interest on stationery furnished for the Legislative Assembly in 1836, have instructed me to report adversely to the prayer of said petitioner."

Moses M. Strong, from the committee on Internal Improvements, to whom had been referred the memorial of James F. Chapman, reported

No. 55, (C.) "A bill granting to James F. Chapman a right to keep and maintain a ferry across the Mississippi at Potosi ;"

Which was read the first and second times, and the printing thereof dispensed with.

Mr. Baker, from the committee on the Judiciary, to which had been referred

No. 38, (C.) "A bill to authorise religious societies to lease or sell their real estate ;"

Reported the same back with amendments.

Also reported back,

No. 16, (H. of R.) "A bill in addition to an act entitled , an act to amend the act of the Revised Statutes entitled an

act concerning the writ of attachment,' approved Feb. 15th, 1842;" with amendments.

Mr. Wilcox, from the committee on incorporations, reported No. 54, (C.) "A bill to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin;"

Which was read the first and second times, and the printing thereof dispensed with.

No. 12, (H. of R.) "A bill to incorporate the city of Milwaukee;"

Was then taken up, and read the first and second times.

No. 11, (H. of R.) "A bill to amend an act entitled 'an act to provide the means to pay the public debt of the Territory;" and

No. 4, (H. of R.) "Resolution providing for a final settlement of the claims of Daniel Baxter;"

Were severally read the first and second times.

Moses M. Strong, by leave, introduced

No. 56, (C.) "A bill fixing the salary of the Attorney General;"

Which was read the first and second times, and the printing thereof dispensed with.

A message was received from the House of Representatives, as follows:

"Mr. President—The House of Representatives have concurred in the amendments of the Council to

No. 3, (H. of R.) "Memorial to Congress on the subject of certain mail routes;"

With amendments;

In which the concurrence of this House is requested.

I am directed to present for the signature of the President,

"An act to change the form of government in the county of Dodge, and for other purposes;"

"An act to amend an act entitled 'an act to incorporate the Wisconsin River Navigation Company;" and

"An act to provide for the more convenient mode of contesting the election of county and other officers;"

Which have been signed by the Speaker of the House of Representatives."

Whereupon, the President signed the several acts presented in the above message.

The President announced as in order, the consideration of No. 10, (H. of R.) "A bill giving further time to appeal from the decisions of judges of probate;" and

No. 29, (H. of R.) "A bill to provide for re-locating the seat of justice of Sauk county, and for other purposes;"

The farther consideration of said bills was resumed in committee of the whole;

Mr. Knowlton in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

No. 10, with amendments;

And the question being,

"Will the Council concur in the amendments?"

It was decided in the affirmative; and

No. 10, (H. of R.) was ordered to be read a third time.

On motion of Mr. Catlin,

No. 29, (H. of R.) was laid on the table.

Mr. Baker, on leave given, presented sundry accounts, as follows:.

H. L. Page,	\$47 90
W. H. Foote,	19 00
S. L. Rood,	362 88
S. L. Rood,	6 50

Which were referred to the committee on Legislative Expenditures.

Mr. Frank, on leave given, presented the account of George Bennett, for interest on territorial bonds;

Which was referred to the committee on Territorial Expenditures.

Moses M. Strong, from the committee on Internal Improvements, to which was referred the memorial and contract of John Anderson,

On leave given, reported back said memorial and contract, and

No. 57, (C.) "A bill to provide for the payment of John Anderson;"

Which was read the first and second times, and the rule requiring the same to be printed was suspended.

Moses M. Strong also presented

"Report of the committee on Internal Improvements in relation to John Anderson's claim ;"

And moved that the same be printed.

While said motion was pending,

Marshall M. Strong moved that this report be referred to the committee on the Judiciary.

Moses M. Strong moved to amend the motion by adding thereto, "and that it be printed ;"

[See Appendix.]

Which was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Reed, Moses M. Strong, Whiton and Wilcox,—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Knowlton, Rountree, Marshall M. Strong and Dewey, (President,)—6.

And the motion, as amended, was agreed to.

Moses M. Strong moved that the memorial and contract be referred to the committee on the Judiciary ;

Which was agreed to.

Mr. Baker, from the committee on Territorial Affairs, to whom the subject had been referred, on leave given, reported No. 58, (C.) "A bill to increase the revenue of the Territory ;"

Which was read the first and second times.

Mr. Rountree, on leave given, reported

No. 40, (C.) "A bill to authorize School district No. 3, in school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house ;"

Which was read a first and second time, and the printing thereof dispensed with.

Mr. Kneeland, on leave given, reported

No. 7, (C.) "Memorial to Congress for an appropriation to complete the improvement of the steamboat landing at Potosi on the Mississippi river ;"

Which was read a first and second time.

Moses M. Strong moved that all rules be suspended in regard to this memorial, and that it now be read a third time ;

Which was agreed to; and

Said memorial was read the third time, passed, and the title thereof was agreed to.

On motion of Mr. Kneeland,

No. 12, (H. of R.) "A bill to incorporate the city of Milwaukee;"

Was referred to a select committee, consisting of the delegates from Milwaukee county.

Mr. Wilcox, from the committee on Incorporations, reported No. 59, (C.) "A bill to incorporate the town of Potosi;"

Which was read the first and second times, and the printing thereof was dispensed with.

No. 2 (H. of R.) "A bill to amend the election law concerning justices of the peace;"

Was read a third time and passed.

Mr. Baker moved to amend the title, by adding thereto, "and for other purposes;"

Which was agreed to;

And the title, as amended, was agreed to.

Mr. Catlin gave notice that he would, on to-morrow, or on some future day, asked leave to introduce a bill to amend an act entitled "An act to incorporate the Madison academy."

No. 31, (H. of R.) "A bill to construe an act to amend an act of the statutes of 1839, entitled 'an act concerning the Supreme and District Courts;'"

Was read the third time, passed, and the title thereof agreed to.

The Council resolved itself into a committee of the whole for the consideration of

No. 13, (C.) "A bill to incorporate the village of Madison;"

Mr. Catlin in the chair;

And after some time spent therein, the committee rose, and by their chairman reported the bill back, with amendments.

When Mr. Catlin moved to lay the bill on the table.

On motion of Moses M. Strong,  
The Council adjourned.



**FRIDAY, January 23, 1846.**

Prayer by Rev. Mr. McHugh.

The journal was read and corrected.

Petitions were presented and referred as follows, to wit :

By Mr. Frank. The petition of James M. Striker and 120 other inhabitants of Racine county, praying for the passage of a law, making the support of paupers a county charge ;

Which was referred to the committee on the Judiciary.

By Mr. Reed. The petition of M. M. Putney and others, for a division of Milwaukee county ;

Also, a remonstrance of Geo. M. Gray and others against a division of said county ;

Which were referred to the select committee of members from Milwaukee county.

Also, the petition of W. W. Cornell and other inhabitants of Milwaukee county, relative to the canal lands ;

Which was referred to the committee on Internal Improvements.

Mr. Catlin presented the account of Daniel Baxter for interest on bonds surrendered ;

Which was referred to the committee on Territorial Expenditures.

Mr. Whiton presented the petition of Ansel Dickinson and 103 other citizens of Rock county, on the subject of ardent spirits ;

Also, the petition of Chester Dean and 10 others, on the same subject ;

Which were, on his motion, laid on the table.

By Marshall M. Strong. The petition of Albert R. Palmer and 127 other citizens of Racine county, asking for the passage of a law requiring the paupers in said county to be supported out of the county treasury ;

Which was referred to the committee on the Judiciary.

By M. Kneeland. The petition of W. W. Collins and 68 other citizens of Milwaukee county, relative to the canal lands;

Which was referred to the committee on Internal Improvements.

Mr. Kimball gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill to incorporate the village of Prairieville.

Mr. Knowlton, by leave, introduced

No. 8, (C.) "A memorial to the Congress of the United States relative to a road from Prairie du Chein to La Pointe;"

Which was read the first and second times.

Mr. Catlin, according to previous notice, and by leave, introduced

No. 61, (C.) "A bill to amend an act entitled 'an act to incorporate the Madison academy;'"

Which was read the first and second times, and the printing thereof dispensed with.

Mr. Knowlton, from the select committee to whom had been referred

No. 15, (H. of R.) "A bill to abolish the office of county collector;"

No. 20, (H. of R.) "A bill to repeal the fourth section of an act entitled 'an act to amend the act entitled an act for assessing and collecting county revenue, approved February 19, 1841;'"

Reported No. 15 back with a recommendation that the same do not pass;

No. 20, (H. of R.) and that this in the minds of the committee should pass.

Marshall M. Strong, from the committee on the Judiciary, to whom had been referred

No. 24, (H. of R.) "A bill to provide for and regulate the action of replevin before justices of the peace,"

Reported that in the minds of the committee said bill should not pass.

Mr. Reed, from the committee on engrossed bills, reported No. 36, (C.) "A bill to incorporate Beloit College,"

As correctly engrossed.

No. 3, (H. of R.) " Memorial to Congress on the subject of certain mail routes,"

Was then taken up, and the amendments of the House concurred in.

Mr. Baker, by leave, presented the petition of Palmer Garlen and 14 others, inhabitants of Walworth county, praying for Legislative aid to exterminate the Canada thistle ;

Which was referred to the committee on Agriculture and Manufactures.

No. 4, (H. of R.) " Resolution providing for a final settlement of the claims of Daniel Baxter ;"

Was announced as in order, when

Mr. Frank moved to refer said resolution to the committee on Territorial Affairs ;

Which was disagreed to.

Mr. Baker moved to refer said resolution to the committee on Common Schools ;

Which was disagreed to.

Mr. Catlin moved that said bill be referred to the committee of the whole ;

Which was disagreed to.

Mr. Whiton moved that said resolution be laid on the table ;  
And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Knowlton, Reed, Rountree, Marshall M. Strong, Moses M. Strong, Whiton and Dewey, (President,) —9.

Those who voted in the negative were,

Messrs. Catlin, Frank, Kimball, Kneeland and Wilcox—5.

So the said resolution was laid on the table.

Mr. Kneeland, from the committee on Territorial Expenditures, to whom the matter had been referred, reported

No. 62, (C.) " A bill to provide for the payment of Horatio N. Wells' account against the Territory ;"

Which was read a first and second time, and the printing thereof dispensed with.

On motion of Moses M. Strong,

No. 10, (H. of R.) " A bill giving further time to appeal from the decisions of judges of probate,"

Was recommitted to the committee of the whole.

The Council then resolved itself into committee of the whole for the consideration of the following :

Said bill No. 10, (H. of R.)

No. 11, (H. of R.) " A bill to amend an act, entitled 'an act to provide the means to pay the public debt of the Territory, approved February 24, 1845 ;'"

No. 15, (H. of R.) " A bill to abolish the office of county collector ;"

No. 16, (H. of R.) " A bill in addition to an act entitled 'an act to amend the act of the revised statutes entitled an act concerning the writ of attachment, approved February 15, 1842 ;'"

No. 20. (H. of R.) " A bill to repeal the 20th section of an act entitled 'an act to amend the act for assessing and collecting county revenue, approved February 19, 1841 ;'"

Mr. Kneeland in the chair ;

After some time spent therein, the committee rose, and by their chairman reported

Nos. 16 and 20 with amendments, and 15 and 10 without amendments ; No. 11 with an amendment by which the enacting clause was stricken out and the bill rejected.

The amendments were concurred in to No. 20, and ordered to a third reading.

No. 15, (H. of R.) was taken up,

And the question being " shall this bill be read a third time ?" when

On motion of Moses M. Strong,

Said bill was laid on the table.

On the question of agreeing to the amendments to No. 16,

The ayes and noes were demanded, which were as follows:

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Marshall M. Strong, Whiton, Wilcox and Dewey, (President,)—11.

Those who voted in the negative were,

Messrs. Rountree and Moses M. Strong,—2.

So the amendments of the committee of the whole were agreed to.

Mr. Whiton moved further to amend the bill by inserting in the fourth line of the second section before the word "property," the word "personal," and add after said word "property," "when such writ shall be levied on personal property;"

Which was disagreed to.

Moses M. Strong moved to amend said bill as follows :

"Strike out all after the enacting clause and insert,

'Sec. No writ of attachment shall hereafter be allowed, or issued in any case, except when the defendant is not a resident of this Territory ;'

Which was negatived, ayes 3—noes 9.

Mr. Knowlton moved to amend said bill as follows :

"Amend Sec. 1, after the words 'clerk of the district court,' insert the following, to wit: 'with two sufficient sureties who shall swear that they are severally worth the amount of such bond over and above all just liabilities ;'

Which was disagreed to.

And the question being,

"Shall this bill be read a third time?"

It was decided in the affirmative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton and Dewey, (President,)—8.

Those who voted in the negative were,

Messrs. Kimball, Reed, Rountree, Moses M. Strong and Wilcox,—5.

The rules were suspended, and the bill was read a third time ; and,

On motion of Moses M. Strong,

Was re-committed to the committee of the whole.

No. 10, (H. of R.) the rules having been suspended for that purpose,

Was read a third time, passed, and the title thereof was agreed to.

On motion, all after the enacting clause was stricken out of No. 11, (H. of R.) and

Said bill was rejected—ayes 8, noes 5.

No. 36, (H. of R.)

Was then taken up, read the third time, passed, and the title thereof agreed to.

The following message was received from the House of Representatives by their chief clerk :

" Mr. President—The House of Representatives have passed

No. 7, (H. of R.) " A resolution for the appointment of a committee to examine the Bank at Mineral Point ;"

No. 6, (H. of R.) " A resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms and equipments ;"

No. 4, (H. of R.) " A memorial to Congress on the subject of a penitentiary ;"

No. 34, (H. of R.) " A bill to authorize school district No. 1, in Sheboygan county, to levy a tax for building a school house ;"

No. 5, (H. of R.) " A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant ;"

No. 37, (H. of R.) " A bill to legalize the acts of the officers therein named ;"

No. 38, (H. of R.) " A bill to provide for laying out certain territorial roads therein named ;" and

No. 39, (H. of R.) " A bill for the benefit of Adelbert H. Bishop ;"

In all of which the concurrence of this House is requested.

The House have concurred in the amendments of the Council to

No. 2 (H. of R.) " A bill to amend the election law concerning justices of the peace ;"

And have receded from their vote non-concurring in the amendments of the Council to

No. 4, (H. of R.) " A bill to amend an act entitled ' an act concerning divorce ;' "

And have concurred in the amendments to said bill.

And have passed

No. 34, (C.) " A bill to authorize school district No. 3,

in the county of Dane, to levy a tax to build a school house ;”

No. 29, (C.) “ A bill to amend an act entitled ‘ an act concerning masters in chancery ;’ ”

No. 20, (C.) “ A bill to authorize school district No. 7, in Snake Hollow school town, in Grant county, to levy an additional tax to build a school house ;” and

No. 4, (C.) “ Memorial to Congress on the subject of a collection district and a port of entry.”

The last with amendments, in which the concurrence of this House is requested.

I am directed to present for the signature of the President,

“ Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory ;”

“ Resolution relative to the termination of the present session of the Legislative Assembly ;”

“ An act for the relief of John J. Driggs ;” and

“ An act to organize the county of Sheboygan for judicial purposes ;”

Which have been signed by the Speaker of the House of Representatives.”

The President then signed the several acts, &c. presented to him in said message.

On motion of Mr. Catlin,

No. 29, (H. of R.) “ A bill to provide for re-locating the seat of justice in Sauk county, and for other purposes ;”

Was taken up ;

And the question being,

“ Shall this bill be read a third time ?”

It was decided in the affirmative—ayes 8, noes 4.

On motion of Moses M. Strong,

Council adjourned to half-past two o'clock this afternoon.

## HALF PAST TWO O'CLOCK, P. M.

The Council met pursuant to adjournment, and resumed the consideration of

No. 13, (C.) "A bill to incorporate the village of Madison ;"

On motion of Mr. Catlin,

A call of the House was ordered ; and

The Sergeant-at-Arms sent for the absentees, Messrs. Baker, Moses M. Strong and Knowlton.

Marshall M. Strong moved to amend the bill by striking out all after the 39th section ;

Which was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Marshall M. Strong and Dewey, (President,)—2.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kimball, Knceland, Knowlton, Reed, Rountree, Whiton and Wilcox,—11.

Mr. Baker moved to amend the bill by striking out "not," before the words "including improvements," and adding the word "thereon," after "improvements ;"

Which amendment was agreed to.

Moses M. Strong then called for the previous question ;

And the same was not seconded by a majority of the Council.

Marshall M. Strong offered the following amendment :

Add a new section, as follows : "No special tax shall be levied in any year under this act unless the owners of two-thirds of the real estate in value, situated in said village, shall signify their assent to the same in writing ;"

Which was disagreed to ;

And the question being,

"Shall the bill be engrossed and read a third time?"

It was decided in the affirmative.



Moses M. Strong then moved that bill No. 15, (H. of R.) be taken up ;

And the question being,

" Shall this bill be read a third time?"

It was decided in the negative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Rountree and Dewey, (President,)—3.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Reed, Marshall M. Strong, Moses M. Strong, Whiton and Wilcox, —10.

Mr. Catlin, from the committee on Enrolled Bills, made the following report :

The committee on Enrollment report that they did on this day, to wit, the 23d of January, A. D. 1846, present to the Governor for his approval the following bills and resolution, to wit :

" An act to amend an act entitled ' an act to incorporate the Wisconsin River Navigation Company ;"

" An act to change the form of government in the county of Dodge, and for other purposes ;"

" An act to provide for the more convenient mode of contesting the election of county and other officers ;"

" An act to organize the county of Sheboygan for judicial purposes ;"

" An act for the relief of John J. Driggs ;" and

" Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory."

Mr. Kneeland, from the committee on Territorial Expenditures, to which had been referred the account of H. N. Wells, by leave reported

No. 62, (C.) " A bill to provide for the payment of Horatio N. Wells' account against the Territory," and

No. 63, (C.) " A bill to provide for the payment of J. Gillett Knapp's account against the Territory ;" Also,

No. 64, (C.) " A bill to provide for the payment of James H. Knowlton's account against the Territory ;"

Which were read the first and second times, and the printing thereof dispensed with.

On motion of Moses M. Strong,

The Council resolved itself into a committee of the whole on all bills ready ;

Moses M. Strong in the chair.

And after some time spent thereon, the committee rose, and by their chairman, reported

No. 43, (C.) " A bill to change the time of holding district courts in the first judicial district ;"

No. 38, (C.) " A bill to authorise religious societies to lease or sell their real estate ;"

With amendments.

The amendments to No. 43 were concurred in ;

And it was ordered to be engrossed for a third reading ; and

No. 38, (C.) was,

On motion of Mr. Kneeland,

Referred to a select committee, consisting of Messrs. Kneeland, Baker and Frank.

On motion of Moses M. Strong,

No. 7, (C.) " Joint resolution relative to the admission of Wisconsin into the Union as a State ;"

Was laid on the table.

No. 54, (C.) " A bill to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin ;"

Was ordered to be engrossed and read a third time.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Reed, Moses M. Strong, Whiton and Wilcox,—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Knowlton, Rountree, Marshall M. Strong and Dewey, (President,)—6.

And also reported progress on Nos. 15, 32, 40, 49, 44, 46, 47, 50, 51, 55, 56, 59, 60, (C.) and No. 16, (H. of R.) and asked leave to sit again thereon.

Leave was granted.

Mr. Baker, on leave, presented the account of Le Grand Rockwell.

Which was referred to the committee on Territorial Expenditures.

Mr. Catlin, on leave, presented

The petition of inhabitants of Rock river, praying for a division of said town ; Also,

The petition of inhabitants of same town, praying for a new town ; Also,

The petition of inhabitants of the towns of Sullivan and Rock River, asking for a division of said town ;

Which were referred to the committee on Incorporations.

On motion of Moses M. Strong,

The Council adjourned.

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### SATURDAY, January 24, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows, to wit :

By Mr. Kneeland. The petition of Jacob Le Roy, for the vacation of the town plat of the city of the Second Lake, in Dane county ;

Which was referred to the committee on Territorial Affairs.

Marshall M. Strong, by leave, offered the following resolution ;

Which was adopted.

*Resolved*, That the House of Representatives be requested to return to this House, bill No. 11, House file, entitled " a bill to amend an act to provide the means to pay the public debt of the Territory, approved February . 1845," which bill was negatived in this House on yesterday.

Mr. Kimball, in pursuance to previous notice, and by leave, introduced

No. 66, (C.) "A bill to incorporate the village of Prairieville ;"

Which was read a first and second time, and the printing thereof dispensed with.

Mr. Kneeland, by leave, presented the petition of the board of trustees of the east ward, in the town of Milwaukee, on the the subject of bridges ;"

Which was referred to committee on Incorporations.

Mr. Whiton, from the committee on Enrolled Bills, made the following report :

The joint committee on Enrollment report as correctly enrolled,

"An act to amend the election law concerning justices of peace, and for other purposes ;"

"An act to amend an act concerning divorce ;" and

"A memorial to Congress on the subject of certain mail routes."

Mr. Reed, from the committee on engrossed bills, reported as correctly engrossed the following, to wit :

No. 13, (C.) "A bill to incorporate the village of Madison ;"

No. 39, (C.) "A bill relative to the county of Crawford and the counties thereto attached ;"

No. 54, (C.) "A bill to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin ;"

No. 5, (C.) "A memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe, on Lake Superior ;"

No. 42 (C.) "A bill relating to the county of St. Croix ;"

No. 41, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds ;"

No. 45, (C.) "A bill to authorize school district No. 1, in the town of Rochester, to levy a tax ;" and

No. 35, (C.) "A bill to incorporate the village of Sheboygan."

Mr. Wilcox, from the committee on Incorporations, to whom the subject had been referred, reported

No. 67, (C.) "A bill to re-organize certain towns in Jefferson county ;"

Which was read the first and second times.

Mr. Frank, from the select committee to whom had been referred the resolution of the Council, relative to an inquiry into the amount of bonds and scrip in the treasury of the Territory, which the Secretary was authorized to pay, made a report of the same, which was read and ordered to be printed. [*See Appendix.*]

No. 4, (C.) "Memorial to Congress on the subject of a collection district and a port of entry ;"

Was taken up and the amendments of the House concurred in.

No. 7, (H. of R.) "Resolution for the appointment of a committee to examine the Bank of Mineral Point ;"

No. 6, (H. of R.) "Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms and equipments ;"

No. 4, (H. of R.) "A memorial to Congress on the subject of a penitentiary ;"

No. 34, (H. of R.) "A bill to authorize school district No. 1, in Sheboygan county, to levy a tax for building a school house ;"

No. 35, (H. of R.) "A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant ;"

No. 37, (H. of R.) "A bill to legalize the acts of officers therein named ;"

No. 38, (H. of R.) "A bill to provide for laying out certain territorial roads therein named ;" and

No. 39, (H. of R.) "A bill for the benefit of Adelbert H. Bishop ;"

Which were severally read the first and second times.

Mr. Whiton, from the committee on the Judiciary, to which had been referred

No. 23, (H. of R.) "A bill to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company,'"

Reported the same back and submitted a report.

On motion of Mr. Knowlton,

Five hundred copies of said report were ordered to be printed. [*See Appendix.*]

On motion of Moses M. Strong,

No. 7, (C.) "Joint resolution in relation to the admission of Wisconsin into the Union as a State ;"

Was taken up and ordered to be engrossed and read the third time.

The following message was received from the Governor by his private secretary :

"Mr. President—I am directed by the Governor to inform you, that he did, on the 23d inst., approve, sign and deposite in the office of the Secretary of the Territory :

"An act to provide for the more convenient mode of contesting the election of county and other officers ;

"Resolution requiring the Secretary of the Territory to redeem certain bonds and scrip in the hands of the Treasurer of the Territory."

The following message was received from the House of Representatives, by their chief clerk :

"Mr. President—The House of Representatives have concurred in the amendment of the Council to

No. 10, (H. of R.) "A bill giving further time to appeal from the decisions of judges of probate;"

And have passed

No. 44, (H. of R.) "A bill to provide for the canvassing the votes cast at the general election held on the fourth Monday of Sept. 1845, in the county of Marquette ;" and

No. 30. (C.) "A bill to amend an act entitled "an act to authorize the construction of certain dams across the Rock river, approved April 1st, 1843,"

With amendments ;

In all of which the concurrence of this House is requested.

I am directed to present for the signature of the President,

"Memorial to Congress on the subject of certain mail routes ;"

"An act to amend an act entitled 'an act concerning divorce,'" and

"An act to amend the election law concerning justices of the peace, and for other purposes ;"

Which have been signed by the Speaker of the House of Representatives.

I am directed to return to the Council for their further consideration.

No. 11, (H. of R.) "A bill to amend an act entitled 'an act to provide the means to pay the public debt of the Territory, approved January 24th, 1845.'"

The President then signed the several acts, mentioned in the above message.

Moses M. Strong, by leave, introduced the following resolution :

*Resolved*, That the eleventh rule of the Council be altered so that the 6th order of business shall read—"Bills and resolutions from the House of Representatives on their third reading."

Mr. Reed, from the committee to whom the subject had been referred, on leave, reported back with amendments,

No. 12, (H. of R.) "A bill to incorporate the city of Milwaukee ;"

Which was read the second time.

The Council resolved itself into a committee of the whole on

No. 16, (H. of R.) "A bill in addition to an act entitled an act to amend the act of the Revised Statutes, entitled an act concerning the writ of attachment, approved Feb. 15, 1842 ;"

Mr. Kneeland in the chair.

And after some time spent therein, the committee rose, and by their chairman reported the bill, with amendments.

And the question being,

"Will the Council concur in the amendments?"

It was decided in the affirmative.

Moses M. Strong moved further to amend the bill by striking out the third section ;

Which was disagreed to ;

And the ayes and noes having been called for,

Those who voted in the affirmative were,  
Messrs. Kimball, Reed, Rountree, Moses M. Strong and  
Wilcox,—5.

Those who voted in the negative were,  
Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton and Dewey, (President,)—8.

Moses M. Strong moved further to amend the bill, as follows:

In the third section, strike out the words, 'and the fourth section of the act entitled an act to amend the act entitled an act concerning the writ of attachment, is hereby repealed.'

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,  
Messrs. Frank, Kimball, Reed, Rountree, Moses M. Strong and Wilcox—6.

Those who voted in the negative were,  
Messrs. Baker, Catlin, Kneeland, Knowlton, Marshall M. Strong, Whiton and Dewey, (President.)—7.

Moses M. Strong moved that the bill lie on the table;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Reed, Moses M. Strong and Wilcox,—4.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Rountree, Marshall M. Strong, Whiton and Dewey, (President),—9.

Moses M. Strong moved further to amend the bill by adding a new section, as follows:

"This act shall be submitted to a vote of the people at the next general annual election; and if a majority shall vote 'for attachment,' the act shall be in full force: if a majority vote 'against attachment,' this act shall be void."

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Reed, Rountree, Moses M. Strong and Wilcox,—5.



Those who voted in the negative were,  
Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton and Dewey, (President.)—8.

Mr. Baker moved to amend the bill, as follows :  
“ Amend the third section, in the fourteenth line, by inserting after the word ‘act,’ the words ‘of the Revised Statutes;’ ”

Which was agreed to,  
And the question being,  
“ Shall this bill be read a third time ? ”

It was decided in the affirmative.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Marshall M. Strong, Whiton and Dewey; (President.)—8.

Those who voted in the negative were,  
Messrs. Kimball, Reed, Rountree, Moses M. Strong and Wilcox,—5.

Marshall M. Strong moved to re-consider the vote of the Council on

No. 11, (H. of R.) “ A bill to amend an act, entitled ‘an act to provide the means to pay the public debt of the Territory;’ ”  
By which the said bill was rejected.

Marshall M. Strong moved that this motion lie on the table.  
Which was agreed to ;

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Catlin, Kimball, Kneeland, Knowlton, Reed, Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)—10.

Those who voted in the negative were,  
Messrs. Baker, Frank and Rountree—3.

Mr. Catlin, from the committee on Enrolled Bills, reported as follows :

The joint committee on Enrollment report, that they did on this day, to wit, the 24th of January, A. D. 1846, present the following bills and memorial, to the Governor for his approval, to wit:

"An act to amend the election law concerning justices of the peace, and for other purposes ;"

"An act to amend an act entitled 'an act concerning divorce : ' " and

"Memorial to Congress on the subject of certain mail routes."

Mr. Kneeland, from the minority of the select committee to which was referred.

No. 12, (H. of R.) "A bill to incorporate the city of Milwaukee ;"

Reported the same back to the Council with an amendment, and recommended its passage.

No. 20. (H. of R.) "A bill to repeal the 4th section of an act entitled 'an act to amend the act for assessing and collecting county revenue, approved February 19, 1841 ;'"

Was read a third time, passed, and

Marshall M. Strong moved to amend the title by striking out the word "repeal," and insert "amend ;"

Which was agreed to ; and

The title, as amended, was agreed to.

No. 29, (H. of R.) "A bill to provide for re-locating the seat of justice of Sauk county, and for other purposes ;"

No. 13, (C.) "A bill to incorporate the village of Madison ;"

No. 5, (C.) "A memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe on Lake Superior ;"

No. 39, (C.) "A bill relative to the county of Crawford and the counties thereto attached for judicial purposes ;"

No. 41, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds ;"

No. 42, (C.) "A bill relating to the county of St. Croix ;"

No. 45, (C.) "A bill to authorize school district No. 1, in the town of Rochester, to levy a tax ; and

No. 35, (C.) "A bill to incorporate the village of Sheboygan ;"

Were severally read a third time, passed, and the titles thereof agreed to.

No. 54, (C.) "A bill to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin ;"

Was read a third time ;

And the question being,

" Shall this bill pass ?"

Mr. Baker, on unanimous leave of Council given, moved to amend section 13, as follows :

" Strike out the words 'above the amount of capital stock' actually paid in ;"

Which was agreed to.

Mr. Baker, on unanimous consent of Council given, moved further to amend section 8, as follows :

" Strike out the words 'or the President or Secretary of said corporation,' at the end of the section, and insert 'according to the provisions of law ;'"

Which was agreed to.

And the question recurring, " Shall this bill pass ?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M. Strong, Whiton and Wilcox,—8.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Rountree, Marshall M. Strong and Dewey, (President,)—5.

The title of the bill was then agreed to.

On motion of Moses M. Strong,

Council adjourned until half-past two o'clock.

### HALF PAST TWO O'CLOCK, P. M.

The Council met pursuant to adjournment ; when

Mr. Kneeland, on leave, made the following report, to wit :

The joint committee on Territorial Expenditures, to which was referred a communication from, and the annual report of, the Auditor of the Territory, have given the subject the attention it deserves, and have directed me to report, that the

duties imposed upon the Auditor at the last session of the Legislative Assembly are too onerous for the present salary, and have instructed me to report a bill to increase his salary to \$125, from and after the 4th day of February, A. D. 1845.

No. 68, (C.) "A bill fixing the salary of the Auditor of the Territory ;"

Was read the first and second times, and the rule which requires printing the bill was suspended.

A message was received from the House of Representatives, as follows :

"Mr. President—The House of Representatives have passed

No. 22, (C.) "A bill in relation to the formation of a state government in Wisconsin ;"

With amendments ;

In which the concurrence of this House is requested."

The amendments of the House of Representatives to the following bills were taken up :

No. 22, (C.) "A bill in relation to the formation of a state government in Wisconsin ;

Which amendments were all severally concurred in ;

And on the question to concur in the amendment in the 8th section, to strike out "\$1 50," and insert "\$2 ;"

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Kimball, Knowlton, Reed, Moses M. Strong, Whiton and Wilcox—7,

Those who voted in the negative were,

Messrs. Catlin, Frank, Kneeland, Rountree, Marshall M. Strong and Dewey, (President,)—6.

No. 44, (H. of R.) "A bill to provide for the canvassing the votes cast at the general election held on the 4th Moneay of September, 1845, in the county of Marquette ;"

Was read a first and second time ; and

Mr. Whiton moved to suspend the rules in relation to this bill, and that it now be read a third time ;

Which was agreed to.

The bill was read a third time, passed, and the title thereof agreed to.

No. 30, (C.) "A bill to amend an act entitled 'an act to authorise the construction of certain dams across the Rock river,' approved April 1st, 1843;"

Was taken up, and the amendments of the House thereto were concurred in.

On motion of Moses M. Strong,

The Council then resolved itself into a committee of the whole on all bills ready therefor;

Moses M. Strong in the chair; and

After some time spent therein, the committee rose, and by their chairman reported progress on

No. 15, (C.) "A bill to divide the territory of Wisconsin into new election districts for members of the Legislature;" and

No. 32, (C.) "A bill to incorporate the Milwaukee and Mississippi Rail Road Company;"

And asked leave to sit again thereon.

Leave was granted.

Also reported

No. 49, (C.) "A bill granting to James R. Vineyard the right of navigating Pine river;"

No. 46, (C.) "A bill relating to tavern licenses;"

No. 59, (C.) "A bill to incorporate the town of Potosi;"

No. 57, (C.) "A bill to provide for the payment of John Anderson;"

No. 50, (C.) "A bill to vacate certain streets in the village of Geneva;" and

No. 51, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;"

Without amendment; and

No. 55, (C.) "A bill granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi, at Potosi;"

No. 56, (C.) "A bill fixing the salary of the Attorney General;"

No. 44, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;" and

No. 40, (C.) "A bill to provide for laying out certain territorial roads therein named;"

With amendments, which were agreed to.

Mr. Knowlton moved to amend No. 49, (C.) by adding the following, as a new section:

"Sec. This act may be altered, amended or repealed by any future Legislature of this Territory, or of the future State of Wisconsin ;"

Which was concurred in ;

No. 60, (C.) " A bill to authorize school district No. 3, in the school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house ;"

Was reported without amendment, and ordered to be engrossed for a third reading.

On the question, " Shall No. 49, (C.) be engrossed and read a third time ?"

It was decided in the negative.

Moses M. Strong moved to re-consider said vote.

Mr. Strong then moved that the consideration of the motion to re-consider be postponed until Monday ;

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Knowlton, Rountree, Moses M. Strong and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Reed, Marshall M. Strong, Whiton and Wilcox,—6.

Nos. 59, 50 and 51, (C.) were taken up and ordered to be engrossed for a third reading.

Mr. Baker moved that No. 57, (C.) be referred to the committee on the Judiciary ;

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Knowlton, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President,)—9.

Those who voted in the negative were,

Messrs. Kimball, Kneeland, Reed, and Moses M. Strong,—4.

Mr. Catlin moved to amend No. 46, (C.)

Moses M. Strong moved to postpone the further consideration of said bill till the 4th of July next;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Reed, Moses M. Strong and Wilcox,—5.

Those who voted in the negative were,

Messrs. Baker, Frank, Kneeland, Knowlton, Rountree, Marshall M. Strong, Whiton and Dewey, (President,)—8.

On motion of Marshall M. Strong,

Said bill was laid on the table.

Mr. Baker moved to lay No. 40, (C.) on the table;

Which was disagreed to.

And the said bill was ordered to be engrossed and read the third time.

No. 44, (C.) was also ordered to be engrossed and read the third time.

Moses M. Strong moved to amend No. 56, (C.) as follows:

“Strike out ‘January, A. D. 1846,’ and insert ‘July, A. D. 1845;’”

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President,)—10.

Those who voted in the negative were,

Messrs. Catlin, Reed and Rountree,—3.

So the amendment was concurred in.

Mr. Kneeland moved to amend said bill by striking out “50,” in the fourth line of the first section.

Which was disagreed to.

The ayes and noes having been called for,

Those who voted in the affirmative were,

Mr. Kneeland,—1.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kimball, Knowlton, Reed,

Rountree Marshall M. Strong, Moses M. Strong, Whiton, Wilcox and Dewey, (President.)—12.

Mr. Catlin moved to amend said bill by adding thereto the following :

“ *Provided* that there shall not be allowed to the Attorney General any compensation for services already rendered except as provided in this act ;”

Which was agreed to.

And the bill was ordered to be engrossed and read a third time.

The question was then raised

“ Shall No. 55, (C.) be engrossed and read the third time ?”

Upon which the ayes and noes were demanded which were as follows :

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Moses M. Strong, Wilcox and Dewey, (President.)—11.

Those who voted in the negative were,

Messrs. Marshall M. Strong and Whiton,—2.

So said bill was ordered to be engrossed and read a third time.

Mr. Whiton moved that the Council adjourn,

Which was negatived.

On motion of Moses M. Strong,

The rules having been suspended for that purpose,

The Council resolved itself into a committee of the whole on the general file of bills,

Marshall M. Strong in the chair.

And after some time spent therein the committee rose, and by their chairman reported

No. 52, (C.) “ A bill to change the form of Government of the county of Dane ;”

With amendment,

Which was agreed to.

The bill was then ordered to be engrossed and read the third time ; and

No. 12, (H. of R.) “ A bill to incorporate the city of Milwaukee ;”



No. 66, (C.) "A bill to incorporate the village of Prairieville ;"

No. 8, (C.) "A memorial to the Congress of the United States relative to a road from Prairie du Chein to La Pointe ;"

No. 58, (C.) "A bill to increase the revenue of the Territory ;"

No. 61, (C.) "A bill to amend an act entitled 'an act to incorporate the Madison academy ;'

No. 62, (C.) "A bill to provide for the payment of Horatio N. Wells' account against the Territory ;"

No. 63, (C.) "A bill to provide for the payment of J. Gillett Knapp's account against the Territory ;"

No. 64, (C.) "A bill to provide for the payment of James H. Knowlton's account against the Territory ;"

No. 53, (C.) "A bill relating to billiard tables and nine pin alleys," and

No. 24, (C.) "A bill to provide for and regulate the action of replevin before justices of the peace,"

Without amendment.

Memorial No. 8, (C.) and bills Nos. 52, 61, 66, were severally ordered to be engrossed and read a third time.

Mr. Kneeland moved to suspend the rule and that No. 12, (C.) be read a third time.

Which was agreed to.

And the question being "shall this bill pass?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Knowlton, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President,)—9.

Those who voted in the negative were,

Messrs. Kimball, Reed and Moses M. Strong,—3.

So the bill passed and the title thereof was agreed to.

On motion of Marshall M. Strong,

Nos. 58, 53, 62, 63, and 64, were laid on the table.

Mr. Catlin, by leave, introduced

No. 69, (C.) "A bill to incorporate Grace Church of Madison ;"

Which was read the first and second times.

Mr. Whiton moved to refer said bill to the committee on Incorporations ;

Which was agreed to, and

On motion of Mr. Knowlton,

The printing of said bill was dispensed with. .

Marshall M. Strong, by leave, presented the petition of Orrin Wright and others, of Racine county, praying to be incorporated for cemetery purposes ;

Which was referred to the committee on Incorporations.

Also, by leave, introduced

No. 70, (C.) " A bill relative to the support of the poor in Racine county ;

Which was read the first and second times.

Mr. Catlin moved to postpone the consideration of bill No. 24, (C.) indefinitely, which he withdrew, and on his motion The Council adjourned.

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### MONDAY, January 26, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows, to wit :

By Marshall M. Strong. The petition of R. I. Stryker and 52 others, citizens of Southport, relative to a street in that village ;"

Which was referred to committee on Incorporations.

By Mr. Kneeland. A remonstrance signed by 147 citizens of the county of Milwaukee, against dividing or changing the boundaries of said county ;"

Which was referred to the select committee on that subject.

By Mr. Frank. The petition of 58 inhabitants of the town

of Salem, praying for a repeal of so much of the law regulating general and other elections as prohibits colored persons from exercising the right of suffrage.

Mr. Frank moved that the petition be referred to the committee on the Judiciary.

Moses M. Strong moved that the petition lie on the table.

Mr. Whiton called for the reading of the petition.

The petition was read ;

And the question being on laying the same on the table,  
It was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Knowlton, Rountree, Moses M. Strong and Dewey, (President,)—4.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Marshall M. Strong, Whiton and Wilcox,—8.

The question recurring on referring the petition to the committee on the Judiciary,

It was decided in the affirmative.

By Mr. Catlin. The petition of inhabitants of school district No. 16, in Dane county, praying to be authorized to levy a tax to build a school house ;

Which was referred to the committee on Schools.

By Mr. Baker. The petition of Lewis Brown and 28 other citizens of Hudson, Walworth county, praying for the passage of a law authorizing the collection of certain taxes in said town ;

Which was referred to the committee on the Judiciary.

Mr. Whiton presented the account of Robert Moore ;

Which was referred to the committee on Legislative Expenditures.

Moses M. Strong offered the following resolution :

*Resolved*, by the Council and House of Representatives, That no bill, joint resolution, or memorial, requiring the approval of the Governor, shall be introduced into either House after Thursday, the 29th day of January instant ;

Which resolution was adopted.

Mr. Kneeland offered the following resolution :

*Resolved*, That the committee on Legislative Expenditures be and are hereby instructed to report to the Council at the earliest practicable period, the result of their investigation of Simeon Mills' claim, (presented in this House at an early stage of the present session,) which the said Mills alleged is a mistake that occurred on settlement of his account of printing done for last Legislative Assembly ;

Which resolution was adopted.

Mr. Frank offered the following resolution :

*Resolved*, That the committee on Territorial Affairs be instructed to inquire what portion of the lands granted by Congress for the support of a University in Wisconsin yet remain to be located ; and report what action, if any, of the Legislature is required to procure the location of the remainder of said lands at the earliest practicable period ;

Which resolution was adopted.

Marshall M. Strong offered the following resolution :

*Resolved*, by the Council and House of Representatives, That the two Houses will meet in convention on Thursday, the 29th day of January, 1846, at 11 o'clock, A. M. in the Representatives' Hall, for the purpose of electing a Territorial Printer, a Superintendent of Territorial Property, a Register of the Milwaukee and Rock River Canal, and a Receiver of the Milwaukee and Rock River canal ;

Which resolution was adopted.

Mr. Wilcox, on leave, introduced

No. 8, (C.) " Resolution relative to the extinguishment of the Indian title to the lands north of the Fox river."

Also, the following ;

*Resolved*, by the Council and House of Representatives of the Territory of Wisconsin, That the rapidity of settlement of lands bordering on and lying south of the Fox river, as well as the importance of the section of country lying north of the same, demands the early extinguishment of the Indian title to the lands along said river.

*Resolved*, That the Hon. Morgan L. Martin, Delegate in Congress, be requested to urge upon Congress the necessity of making an appropriation at the present session for the pur-

pose of holding a treaty with the Menomonee tribe of Indians for the extinguishment of the Indian title to the lands lying north of the Fox river in said territory, and between the Wolf and Wisconsin rivers.

*Resolved*, That His Excellency, the Governor, be requested to forward copies of these resolutions to the presiding officers of both Houses of Congress, and to the Hon. Delegate of the Territory ;

Which resolution was read a first and second times, the rule suspended, and read a third time now, passed, and the title was agreed to.

Mr. Kneeland, on leave, introduced

No. 71, (C.) "A bill concerniug bridges in the city of Milwaukee ;"

Which was read the first and second times, and the printing thereof dispensed with.

Marshall M. Strong, on leave, introduced

No. 72, (C.) "A bill relating to party's fees ;

Which was read the first and second times.

Moses M. Strong, from the committee on Engrossed Bills, reported the following bills as correctly engrossed :

No. 59, (C.) "A bill to incorporate the town of Potosi ;"

No. 56, (C.) "A bill fixing the salary of the Attorney General ;"

No. 55, (C.) "A bill granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi, at Potosi ;"

No. 7, (C.) "Joint resolution in relation to the admission of Wisconsin into the Union as a State ;" and

No. 43, (C.) "A bill to change the time of holding district courts in the first judicial district."

Mr. Frank, from the committee on Schools, reported

No. 73, (C.) "A bill to authorize school district No. 16, in Dane county, to levy a tax to build a school house ;"

Which was read a first and second time, and the printing thereof dispensed with.

Marshall M. Strong, from the committee on the Judiciary, to whom was referred

No. 26, (C.) "A bill authorizing proceedings in chancery against corporations;"

Reported the bill back, with amendments.

Mr. Wilcox, from the committee on Incorporations, reported No. 74, (C.) "A bill to incorporate the Rochester Cemetery Company;"

Which was read the first and second times, and the printing thereof dispensed with.

Mr. Kneeland, from the committee on Territorial Expenditures, reported as follows:

The joint committee on Territorial Expenditures, to which was referred the account of Moses M. Strong, Esq. for moneys paid and services rendered in suits of the Territory vs. Doty and others, have instructed me to report a bill to provide for the payment of the same;

Together with

No. 75, (C.) "A bill to provide for the payment of Moses M. Strong, Esq."

On motion of Mr. Knowlton,

The Council resolved itself into a committee of the whole on all bills, resolutions and memorials now ready to be acted on;

Mr. Knowlton in the chair.

And after some time spent thereon, the committee rose, and reported, by their chairman, as follows:

That they had had under their consideration,

No. 23, (H. of R.) "A bill to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company;'"

No. 6, (H. of R.) "Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms;"

No. 7, (H. of R.) "Resolution for the appointment of a committee to examine the Bank of Mineral Point;"

No. 34, (H. of R.) "A bill to authorize school district No. 1, in Sheboygan county, to levy a tax for building a school house;"

No. 35, (H. of R.) "A bill to authorize school district No.

5, in the town of Elkhorn, Walworth county, to renew a tax warrant ;”

No. 38, (H. of R.) “A bill to provide for laying out certain territorial roads therein named ;”

No. 39, (H. of R.) “A bill for the benefit of Adelbert H. Bishop ;”

No. 37, (H. of R.) “A bill to legalize the acts of the officers therein named ;” and

No. 4, (H. of R.) “Memorial to Congress on the subject of a penitentiary ;”

And have instructed their chairman to report the same without amendments.

Moses M. Strong moved to postpone the further consideration of the report of the committee of the whole ;

Which was agreed to ; and

No. 16, (H. of R.) “A bill in addition to an act entitled an act to amend the act of the Revised Statutes, entitled ‘an act concerning the writ of attachment,’ approved February 15, 1842 ;”

Was read a third time ;

And the question being, “Shall this bill pass ?”

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Knowlton, Marshall M. Strong, Whiton and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Frank, Kimball, Rountree, Moses M. Strong and Wilcox,—5.

So the bill passed, and the title was agreed to.

No. 7, (C.) “Joint resolution relative to the admission of Wisconsin into the Union as a State ;”

No. 43, (C.) “A bill to change the time of holding district courts in the first judicial district ;”

No. 56, (C.) “A bill fixing the salary of the Attorney General ;” and

No. 59, (C.) “A bill to incorporate the town of Potosi ;”

Were severally read a third time, passed, and the titles thereof agreed to.

No. 59, (C.) "A bill granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi at Potosi;"

Was read a third time ;

And the question being, "Shall this bill pass?"

It was decided in the affirmative.

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Moses M. Strong and Wilcox—10.

Those who voted in the negative were,

Messrs. Marshall M. Strong, Whiton and Dewey, (President,)—3.

So the bill passed and the title was agreed to.

• The further consideration of the report of the committee of the whole, was then resumed, and

On motion of Mr. Knowlton,

No. 38, (H of R.) "A bill to provide for laying out certain territorial roads ;"

Was laid on the table.

No. 4, (H. of R.) "A memorial to Congress on the subject of a penitentiary ;" and

No. 39, (H. of R.) "A bill for the benefit of Adelbert H. Bishop ;"

Were ordered to be read a third time.

Mr. Baker moved to refer bill

No. 35, (H. of R.) "A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant ;"

Together with a remonstrance, now presented, to the committee on the Judiciary ;

Which was agreed to.

No. 37, (H. of R.) "A bill to legalize the acts of the officers therein named ;"

Was taken taken up, and the question being,

"Shall the bill be read a third time?"

It was determined in the affirmative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,



Messrs. Baker, Frank, Kimball, Kneeland, Rountree, Marshall M. Strong, Moses M. Strong, Whiton and Wilcox,—9.

Those who voted in the negative were,

Messrs. Knowlton, Reed, and Dewey, (President),—3.

No. 34, (H. of R.) "A bill to authorize school district No. 1, in Sheboygan county, to levy a tax for building a school house;"

No. 6, (H. of R.) "Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms;"

Were ordered to be read a third time.

No. 7, (H. of R.) "Resolution for the appointment of a committee to examine the Bank of Mineral Point;"

Was taken up, and the question being,

"Shall the resolution be read a third time?"

Moses M. Strong offered the following amendment,

"Resolved, That no compensation shall be paid to said committee for their services, or expenses in making said examination, nor to any witness by them examined;"

Which was agreed to.

And the resolution as amended was ordered to be read a third time.

No. 23, (H. of R.) "A bill to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company,'"

Was taken up and the question being,

"Shall this bill be read a third time?"

Mr. Whiton moved that the further consideration be postponed until to-morrow;

Which was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Whiton and Wilcox,—7.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Rountree, Marshall M. Strong, Moses M. Strong and Dewey, (President),—6.

No. 24, (C.) "A bill to provide for and regulate the action of replevin before justices of the peace,"

Was ordered to be engrossed and read the third time.

No. 49, (C.) "A bill granting to James R. Vineyard the right of navigating Pine river;"

Was taken up, and the question being,

"Shall this bill be engrossed and read the third time?"

It was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Knowlton, Rountree, Moses M. Strong, and Dewey; (President.)—4.

Those who voted in the negative were;

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed; Marshall M. Strong, Whiton and Wilcox,—9.

Moses M. Strong called up the consideration of the resolution offered by him at a previous day, on the subject of altering the eleventh rule of the Council;

And the resolution having been under consideration was modified as follows:

"Resolved, That the eleventh rule of the Council be altered, so that the sixth order of business shall be transposed, so as to stand as the ninth order of business;"

And the resolution was agreed to.

Mr. Whiton, from the committee on enrolled bills, reported as follows:

The committee on Enrollment report as correctly enrolled

"An act to provide for the canvassing the votes cast at the general election held on the fourth Monday of Sept. 1845, in the county of Marquette;"

"An act giving time to appeal from the decision of judges of probate."

Mr. Frank, on leave given, offered the following resolution:

Resolved, That the Treasurer of the Territory be requested to report to the Council, whether he has presented the territorial scrip in the Treasury properly chargeable to the arrearage fund, to the Secretary of the Territory for payment, and whether the same or any part thereof has been paid by the Secretary;

Which resolution was adopted.

Mr. Rountree, from the committee on the Militia, reported

No. 27, (H. of R.) "A bill to repeal certain acts therein named and to revive the act of the revised statutes entitled 'an act relating to the militia ;'"

With an amendment to the same ;

And the bill and amendments were read a first and second times.

No. 28, (H. of R.) "A bill to provide for the collection of delinquent taxes on personal property in certain cases ;"

Was ordered to be read a third time.

On motion of Mr. Whiton,

The Council adjourned until half past two o'clock, P. M.

#### HALF PAST TWO O'CLOCK, P. M.

The Council met, when

No. 26, (C.) "A bill authorizing proceedings in chancery against corporations,"

Was announced by the President, and was thereupon ordered to be engrossed for a third reading ; also,

No. 37, (C.) "A bill to define the boundary line between the counties of Marquette and Fond du Lac ;" when

On motion of Marshall M. Strong,

The further consideration of said bill was postponed indefinitely, and

No. 16, (C.) "A bill to provide for the redemption of real estate sold under a decree in chancery ;"

Which was,

On motion of Mr. Catlin,

Laid on the table.

On motion of Mr. Catlin,

The Council resolved itself into a committee of the whole on bills

No. 27, (H. of R.) "A bill to repeal certain acts therein named, and to revive the act of the revised statutes entitled 'an act relating to the militia ;'"

No. 67, (C.) "A bill to re-organize certain towns in Jefferson county ;"

No. 75, (C.) "A bill to provide for the payment of Moses M. Strong, Esq."

No. 73, (C.) "A bill to authorize school district No. 16, in Dane county, to levy a tax to build a school house ;"

No. 68, (C.) "A bill fixing the salary of the Auditor of the Territory ;"

Mr. Frank in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

No. 27, (H. of R.) and Nos. 67, 75 and 68, (C.) with amendments, and No. 73, (C.) without amendments.

Mr. Baker moved to amend the amendment of the committee of the whole to No. 27, (H. of R.) by striking out the word "company," in said amendment ;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Knowlton and Moses M. Strong,—5.

Those who voted in the negative were,

Messrs. Frank, Kimball, Reed, Rountree, Marshall M. Strong, Whiton, Wilcox and Dewey, (President,)—8.

The question then recurred on the amendments of the committee of the whole to said bill.

The amendments were concurred in.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Reed, Rountree and Wilcox,—7.

Those who voted in the negative were,

Messrs. Catlin, Knowlton, Marshall M. Strong, Moses M. Strong, Whiton and Dewey, (President,)—6.

The question then being,

"Shall this bill be read a third time?"

It was decided in the affirmative.

The amendments reported by the committee of the whole to bills Nos. 67, 68 and 75, (C.) were then agreed to.

And the question being on ordering bill No. 68 to be engrossed and read the third time.

Mr. Catlin moved to amend the bill by adding a new section as follows :

“ Sec. The salary of the Treasurer shall hereafter be one hundred dollars ;”

Which was agreed to.

Moses M. Strong moved to amend the bill in the 1st section by adding after the word “ hundred,” the words “ and fifty ;”

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Knowlton, Moses M. Strong and Whiton,  
—4.

Those who voted in the negative were,

Messrs. Baker, Frank, Kimball, Kneeland, Reed, Rountree,  
Marshall M. Strong, Wilcox and Dewey, (President,)—9.

Mr. Kneeland moved to amend the bill by adding after the word “ hundred,” the words “ and twenty ;”

Which was disagreed to.

The said bill was then ordered to be engrossed and read the third time.

The question being on ordering bill No. 75, (C.) to be engrossed and read a third time.

Nos. 67 and 73, (C.) were then also ordered to be engrossed and read a third time.

The question then being on ordering bill No. 75, (C.) to be engrossed and read a third time ;

The same was,

On motion of Mr. Reed,

Laid on the table.

On motion of Mr. Kneeland,

No. 62, (C.) “ A bill to provide for the payment of Horatio N. Wells’ account against the Territory ,”

No. 63, (C.) “ A bill to provide for the payment of J. Gillett Knapp’s account against the Territory ;” and

No. 65, (C.) “ A bill to provide for the payment of James H. Knowlton’s account against the Territory ,”

Were taken up, when

Mr. Baker moved to amend No. 65, (C.) by striking out "\$100," and insert "\$50;"

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Reed, Rountree, Marshall M. Strong, Wilcox and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Catlin, Kneeland, Knowlton, Moses M. Strong, and Whiton,—5.

On motion of Mr. Knowlton,

The bill was laid on the table.

Moses M. Strong moved to adjourn;

Which was disagreed to.

The following message was received from the House of Representatives, by their chief clerk:

"Mr. President—The House of Representatives have passed

No. 36, (C.) "A bill to incorporate Beloit College;"

No. 28, (C.) "A bill to authorize school district No. 1, in Platteville school district to build a school house."

I am directed to present for the signature of the President,

"An act to provide for the canvassing the votes cast at the general election held on the fourth Monday of September, 1845, in the county of Marquette;" and

"An act giving further time to appeal from the decision of judges of probate;"

Which have been signed by the Speaker of the House of Representatives.

The House of Representatives have concurred in the amendments of the Council to

No. 20, (H. of R.) "A bill to repeal the fourth section of an act entitled 'an act to amend an act entitled an act for assessing and collecting county revenue, approved February 19, 1841.'"

Marshall M. Strong moved to amend

No. 63, (C.) by reducing the amount therein named to one hundred;

Which was agreed to.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed,  
Rountree, Marshall M. Strong, and Dewey, (President,)—9.

Those who voted in the negative were,  
Messrs. Knowlton, Moses M. Strong, Whiton and Wilcox,  
—4.

When said bill together with No. 62 were ordered to be engrossed and read a third time.

Marshall M. Strong moved to take up the claim of Daniel Baxter, when

On motion of Moses M. Strong,  
The Council adjourned.

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## TUESDAY, January 27, 1846.

Prayer by Rev. Mr. McHugh.

The journal was read and corrected.

Petitions were presented and referred as follows, to wit :

By Mr. Reed. A remonstrance of W. W. Graham and 18 others, against the division of Milwaukee county ; Also,

A remonstrance from 17 citizens of Milwaukee county, on the same subject ;

Which was referred to the select committee on that subject.

Mr. Baker offered the following resolution :

**Resolved**, by the Council and House of Representatives of the Territory of Wisconsin, That the Superintendent of Territorial Property be directed, in case the people at the next April election decide to form a state government, to remove the partition between the Representatives Hall and the committee-rooms ; to re-plaster the ceiling of said Hall, and oth-

erwise appropriately fit it up; to procure a necessary supply of desks and seats for the members of the Convention, and also an economical supply of stationery for their use;

Which was laid on the table.

Marshall M. Strong, from the committee on the Judiciary, to which the matter had been referred, reported back, without amendment,

No. 35, (H. of R.) "A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant;"

Which was ordered to be read a third time.

Mr. Reed, from the committee on Engrossed Bills, reported the following bills as correctly engrossed:

No. 6, (C.) "Memorial to Congress on the subject of harbors on Lake Michigan;"

No. 8, (C.) "A memorial to the Congress of the United States relative to a road from Prairie du Chein to La Pointe;"

No. 24, (C.) "A bill to provide for and regulate the action of replevin before justices of the peace;"

No. 40, (C.) "A bill to provide for laying out certain territorial roads therein named;"

No. 43, (C.) "A bill to change the time of holding district courts in the first judicial district;"

No. 44, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;"

No. 50, (C.) "A bill to vacate certain streets in the village of Geneva;"

No. 51, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;"

No. 52, (C.) "A bill to change the form of Government of the county of Dane;"

No. 60, (C.) "A bill to authorize school district No. 3, in the school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house;"

No. 61, (C.) "A bill to amend an act entitled 'an act to incorporate the Madison academy;"

No. 66, (C.) "A bill to incorporate the village of Prairieville;"



No. 67, (C.) "A bill to organize certain towns in Jefferson county ;"

No. 71, (C.) "A bill concerning bridges in the city of Milwaukee ;" and

No. 73. (C.) "A bill to authorize school district No. 16, in Dane county, to levy a tax to build a school house."

Mr. Baker, from the committee on the Judiciary, reported No. 76, (C.) "A bill to authorize the collector of the town of Hudson to collect certain taxes ;"

Which was read the first and second times, and the printing thereof dispensed with.

Mr. Wilcox, from the committee on Incorporations, reported back, without amendment,

No. 69, (C.) "A bill to incorporate Grace Church of Madison."

Mr. Baker, from the select committee on that subject, reported

No. 38, (C.) "A bill to authorise religious societies to lease or sell their real estate ;"

As a substitute for the bill referred to the committee ;

Which substitute was read the second time.

Mr. Whiton, from the committee on Enrolled Bills, reported as correctly enrolled,

No. 29, (H. of R.) "An act to provide for re-locating the seat of justice of Sauk county, and for other purposes ;"

No. 20. (H. of R.) "An act to amend the 4th section of an act entitled 'an act to amend an act for assessing and collecting county revenue.' approved February 19, 1841 ;"

No. 30. (C.) "An act to amend an act entitled "an act to authorize the construction of certain dams across the Rock river, approved April 1st, 1843;" and

No. 4, (C.) "Memorial to Congress on the subject of a collection district and a port of entry."

Mr. Wilcox, from the committee on Incorporations, to which was referred the petition of R. S. Stryker and others, reported

No. 77, (C.) "A bill repealing an act which vacated an alley in Southport ;"

Which was read the first and second times, and referred to the committee on the Judiciary.

The following bills, memorials and resolutions were announced as ready for a third reading :

No. 39, (H. of R.) " A bill for the benefit of Adelbert H. Bishop ;"

No. 4, (H. of R.) " Memorial to Congress on the subject of a penitentiary ;"

No. 6, (H. of R.) " Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms ;"

No. 34, (H. of R.) " A bill to authorize school district No. 1, in Sheboygan county, to levy a tax for building a school house ;"

No. 7, (H. of R.) " Resolution for the appointment of a committee to examine the Bank of Mineral Point ;"

No. 37, (H. of R.) " A bill to legalize the acts of the officers therein named ;"

No. 28, (H. of R.) " A bill to provide for the collection of delinquent taxes on personal property in certain cases ;"

No. 73, (C.) " A bill to authorize school district No. 16, in Dane county to levy a tax to build a school house ;"

No. 67, (C.) " A bill to organize certain towns in Jefferson county ;

No. 50, (C.) " A bill to vacate certain streets in the village of Geneva ;"

No. 24, (C.) " A bill to provide for and regulate the action of replevin before justices of the peace ;"

No. 6, (C.) " Memorial to Congress on the subject of harbors on Lake Michigan ;"

No. 66, (C.) " A bill to incorporate the village of Prairieville ;"

No. 60, (C.) " A bill to authorize school district No. 3, in school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house ;"

No. 40, (C.) " A bill to provide for laying out certain territorial roads therein named ;"

No. 61, (C.) "A bill to amend an act entitled 'an act to incorporate the Madison Academy ;'"

No. 8, (C.) "A memorial to the Congress of the United States relative to a road from Prairie du Chien to La Pointe ;"

Which bills, memorials and resolutions were severally read a third time, passed, and the titles thereof agreed to.

No. 27, (H. of R.) "A bill to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia ;'"

Being ready for a third reading,

Mr. Baker moved to re-consider the vote by which this bill was ordered to be read a third time ;

Which was agreed to.

Mr. Baker then moved to re-consider the vote agreeing to the report of the committee of the whole on this bill,

Which was agreed to.

Moses M. Strong moved to lay this bill, No. 27, on the table ;

Which was agreed to.

No. 52, (C.) "A bill to change the form of government of the county of Dane,"

On motion of Marshall M. Strong,

Was laid on the table.

No. 41, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds,"

Was read the third time, passed, and

Moses M. Strong moved to amend the title, by inserting after the word "payment," the words "to John Catlin ;"

Which was agreed to ;

And the title, as amended, was agreed to.

No. 44, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds,"

Was read a third time, passed, and

Moses M. Strong moved to amend the title, by inserting after the word "payment," the words "Alexander Mitchell and Harrison Luddington ;"

Which was agreed to ;

And the title, as amended, was agreed to.

No. 35, (H. of R.) "A bill to authorize school district No. 6, in the town of Elkhorn, Walworth county, to renew a tax warrant ;"

Was ordered to be read a third time.

On motion of Mr. Catlin,

No. 52, (C.) "A bill to change the form of government of the county of Dane ;" was taken up, and

Marshall M. Strong moved to re-commit the bill to a committee of the whole ;

Which was disagreed to.

Mr. Catlin moved to re-consider the vote ;

Which was agreed to ; and

The question recurring on re-committing this bill No. 27 to the committee of the whole,

It was agreed to.

Mr. Reed, on leave given, reported as correctly engrossed, No. 76, (C.) "A bill fixing the salary of the Treasurer and Auditor of the Territory ;"

And the question being "shall this bill be read a third time ?"

Mr. Catlin asked and obtained the unanimous consent of the Council to offer the following amendment to the said bill:

Strike out section 2, and insert as follows :

"Sec. 2. That the Treasurer of the Territory shall be allowed and paid an annual salary of one hundred dollars, from the fourth day of February, A. D. 1845; and the fifth section of an act of the Revised Statutes, entitled an 'act to provide for the appointment of a Territorial Treasurer, and to define his duties,' be and the same is hereby repealed ;"

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Reed, Rountree and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Knowlton, Marshall M. Strong, Whiton, Wilcox and Dewey, (President).—7.

And the bill was then read the third time, passed, and the title agreed to.

Moses M. Strong moved to take up  
No. 16, (C.) "A bill to provide for the redemption of real  
estate sold under a decree in chancery ;"

And refer the same to the committee of the whole ;

Which was agreed to.

Mr. Knowlton moved to take up all bills on the table, ex-  
cept

No. 65, "A bill to provide for the payment of James H.  
Knowlton's account against the Territory ;"

Two-thirds of the Council not having voted in the affirma-  
tive,

It was decided in the negative.

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Knowlton, Rountree, Marshall M.  
Strong, Moses M. Strong and Wilcox—7.

Those who voted in the negative were,

Messrs. Catlin, Kimball, Kneeland, Reed, Whiton and Dew-  
ey, (President,)—6.

No. 23, (H. of R.) "A bill to repeal an act entitled 'an  
act to incorporate the Wisconsin Marine and Fire Insurance  
Company,'"

Being in order,

A call of the House was ordered,

Moses M. Strong was reported as absent ; and

The Sergeant-at-Arms was sent for the absentee.

Moses M. Strong was reported as present.

And the question being,

"Shall this bill be read a third time ?"

Mr. Kneeland moved to amend said bill, by adding thereto  
the following as a new section :

"Sec. The persons acting as stockholders of the com-  
pany who have been doing business under the act repealed in  
the preceding section, are hereby created a body politic and  
corporate, under the name of the "Wisconsin Marine and  
Fire Insurance Company," for the space of two years from the  
passage of this act, with authority to hold and convey real  
estate, and to sue and be sued, in the manner prescribed in  
the act hereby repealed, and within the time aforesaid to close

up all the affairs of the company who have been doing business under the act hereby repealed ;”

Which was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Kneeland, Reed, Moses M. Strong Whiton and Wilcox,—6.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Knowlton, Rountree, Marshall M. Strong and Dewey, (President,)—7.

The question then recurred on ordering said bill to be read a third time,

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Knowlton, Rountree, Marshall M. Strong, Moses M. Strong, Whiton and Dewey, (President),—9.

Those who voted in the negative were,

Messrs. Kimball, Kneeland, Reed and Wilcox,—4.

So said bill was ordered to be read a third time ;

And the question then being,

“ Shall this bill pass ?”

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Knowlton, Rountree, Marshall M. Strong, Moses M. Strong, Whiton and Dewey, (President),—9.

Those who voted in the negative were,

Messrs. Kimball, Kneeland, Reed and Wilcox,—4.

So the bill passed, and the title was agreed to.

The following message was received from the House of Representatives by their chief clerk :

“ Mr. President—I am directed to present for your signature ;

“ An act to amend the fourth section of an act entitled ‘ an

act to amend an act entitled 'an act for assessing and collecting county revenue,' approved Feb. 19, 1841;"

"An act to amend an act entitled 'an act to authorize the construction of certain dams across the Rock river,' approved April 1st, 1843;"

"Memorial to Congress on the subject of a collection district and port of entry;" and

"An act to provide for re-locating the seat of justice of Sauk county, and for other purposes,"

Which have been signed by the Speaker of the House of Representatives."

The President then signed the acts, &c. presented with said message; when,

On motion of Moses M. Strong,  
The Council adjourned.

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### WEDNESDAY, January 28, 1846.

Prayer by the Rev. Mr. McHugh.

No quorum being present, a call of the Council was ordered and the absentees were sent for.

A quorum having appeared the call of the Council was suspended.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows:

By Mr. Catlin. The petition of sundry citizens of Dane county in relation to changing the system of government in said county;

Which was laid on the table.

By Mr. Kneeland. The petition of Clarence Shepard and

250 other citizens of Milwaukee county, praying for the passage of a law to exempt firemen from certain liabilities ;

Which was referred to the committee on Territorial Affairs.

By Marshall M. Strong. A petition from sundry citizens of Racine county, praying for the passage of a law to submit the question of the sale of intoxicating liquors, to a vote of the people in their respective towns and precincts ;

Which was laid on the table.

By Mr. Kneeland. A petition of 17 citizens of Milwaukee, on the same subject ;

Which was laid on the table.

Also, a remonstrance of sundry citizens of Milwaukee against the division of said county ;

Which was referred to the select committee on that subject.

Mr. Catlin, from the joint committee on enrolled bills, made the following report :

The joint committee on enrollment report that they did, on yesterday, to wit. the 26th of January, A. D. 1846, present the following bills to the Governor for his approval, to wit :

“ An act giving further time to appeal from the decision of judges of probate ;” and

“ An act to provide for the canvassing the votes cast at the general election held on the fourth Monday of September, 1845, in the county of Marquette.”

And also.

That the joint committee on enrollment did, on this day, to wit : the 27th of January, A. D. 1846, present to the Governor for his approval the following bills and memorial, to wit :

“ An act to amend the 4th section of an act entitled ‘ an act for assessing and collecting county revenue,’ approved February 19, 1841 ;”

“ An act to provide for re-locating the seat of justice of Sauk county, and for other purposes ;”

“ An act to amend an act entitled ‘ an act to authorize the construction of certain dams across the Rock river, approved April 1st, 1843 ;” and

“ Memorial to Congress on the subject of a collection district and a port of entry.”



Mr. Catlin, from the same committee, also reported as correctly enrolled, the following :

"An act to authorize school district No. 1, in Sheboygan county to levy a tax for building a school house ;"

"An act to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company, approved February 28, 1839 ;"

"An act to legalize the acts of the officers therein named ;"

"An act for the benefit of Adelbert H. Bishop ;"

"An act to provide for the collection of delinquent taxes on personal property in certain cases ;"

"Memorial to Congress on the subject of a penitentiary ;"

"Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms and equipments."

Marshall M. Strong, from the committee on the Judiciary, reported back without amendment,

No. 47, (C.) "A bill relating to suits on notes."

Mr. Baker offered the following resolution :

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin :*

That the Attorney General be instructed to ascertain the amount of delinquent Territorial taxes due from the several counties in the Territory, assessed prior to the year 1845, and that he be directed to take such measures for the collection of the same as he shall think proper, paying all moneys which he may so collect into the Treasury of the Territory ;

Which resolution was read the first and second times.

Mr. Reed, on leave, introduced the following bill,

No. 78, (C.) "A bill for the relief of the Stockholders of the Wisconsin Marine and Fire Insurance Company ;"

Which was read the first and second times and ordered to be printed.

Mr. Catlin, from the committee on Legislative Expenses, reported back the account of C. S. Wright ;

Which was referred to the committee on Territorial Expenditures.

Mr. Whiton, from the committee on Enrollment, reported as correctly enrolled,

"An act to authorize school district No. 1, in Snake Hollow school town, in Grant county, to levy an addition tax to build a school house ;"

"An act to authorize school district No. 3, in the county of Dane to levy a tax to build a school house ;" and

"An act to amend an act entitled 'an act concerning masters in chancery.'"

Mr. Kneeland, from the joint committee on Territorial Expenditures, to which several accounts were referred, reported

No. 79, (C.) "A bill making appropriations out of the territorial Treasury to pay certain debts therein named ;"

Which was read a first and second time, and the printing thereof dispensed with.

No. 35, (H. of R.) "A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant,"

Being under consideration on a third reading,

Mr. Baker presented a remonstrance of Jeduthan Spooner and Perry G. Harrington, against the passage of the bill,

Which was read, and

No. 35, (H. of R.) was read a third time, passed, and the title thereof agreed to.

A message was received from the House of Representatives as follows:

"Mr. President—The House of Representatives have passed

No. 5, (C.) "A memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe, on Lake Superior ;"

No. 7, (C.) "Memorial to Congress for an appropriation to complete the improvement of the steam boat landing at Potosi, on the Mississippi river, in Wisconsin ;"

No. 9, (C.) "Resolution providing for the election of certain territorial officers ;"

No. 39, (C.) "A bill relative to the county of Crawford and the counties thereto attached for judicial purposes ;"

No. 45, (C.) "A bill to authorize school district No. 1, in the town of Rochester, to levy a tax ;"

No. 55, (C.) "A bill granting to James F. Chapman the

right to keep and maintain a ferry across the Mississippi river, at Potosi;"

No. 56, (C.) "A bill fixing the salary of the Auditor General;"

No. 59, (C.) "A bill to incorporate the town of Potosi;"

No. 32, (C.) "A bill to incorporate Carroll College;"

The last with amendments,

In which the concurrence of this House is requested.

And have also passed

No. 46, (H. of R.) "A bill to vacate part of Second street, in the town of Potosi, in the county of Grant, and for other purposes;"

No. 47, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the village of Fairplay, approved February 24, 1843;" and

No. 48, (H. of R.) "A bill to provide for paying the Adjutant General of the militia for his former services and disbursements ;

In all of which the concurrence of this House is requested.

The House of Representatives have non-concurred in the amendments of the Council to

No. 7, (H. of R.) "Resolution for the appointment of a committee to examine the Bank of Mineral Point;"

The House of Representatives have also passed

No. 32, (H. of R.) "A bill to provide for the division of the county of Milwaukee;"

No. 49, (H. of R.) "A bill to divide the county of Iowa and establish the counties of La Fayette and Montgomery;" and

No. 54, (H. of R.) "A bill to amend an act to provide for the government of the several towns in this Territory, for the revision of county government and for other purposes;"

In which the concurrence of this House is requested.

I am directed to present for the signature of the President,

"An act to legalize the acts of the officers therein named ;"

"An act to provide for the collection of delinquent taxes on personal property in certain cases ;"

"An act to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company, approved February 28, 1839;"

“ An act to authorize school district No. 1, in Sheboygan county to levy a tax for building a school house ;”

“ An act for the benefit of Adelbert H. Bishop ;”

“ Memorial to Congress on the subject of a penitentiary ;”  
and

“ Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms and equipment ;”

Which have been signed by the Speaker of the House of Representatives.”

The President then signed the several acts, presented with said message.

The following message was received from the Governor by his private secretary, G. P. Delaplaine, Esq. :

“ Mr. President—I am directed by the Governor to inform you that he did on the 27th inst. approve, sign, and deposite in the office of the Secretary of the territory :

“ An act to amend an act entitled ‘ an act to authorize the construction of certain dams across the Rock river, approved April 1st, 1843 ;’ ” and

“ Memorial to Congress on the subject of a collection district and a port of entry.”

The Council then resolved itself into a committee of the whole on

No. 15, (C.) “ A bill to divide the territory of Wisconsin into new election districts for members of the Legislature ;”

No. 32, (C.) “ A bill to incorporate the Milwaukee and Mississippi Rail Road Company ;”

No. 52, (C.) “ A bill to change the form of Government of the county of Dane ;”

Mr. Reed in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

No. 52, (C.) with amendments ;

Also progress on No. 32, (C.) and No. 15, (C.) and the committee ask leave to sit again thereon.

Mr. Frank, on leave, offered the following resolution :

WHEREAS, intelligence has just been received, announcing

the death of the wife and family of the Hon. Marshall M. Strong, of Racine, by which dispensation of Providence, he has suddenly been deprived of all the most endearing relations of husband and wife, and of parent and child: Therefore,

*Resolved*, That this Council express its deepfelt sympathy, for our much esteemed friend and associate member of this body, and in testimony of our feeling in behalf of his afflictive bereavement, do now adjourn;

Which was adopted.

The Council adjourned.

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THURSDAY, January 29, 1846.

Prayer by Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Mr. Kneeland presented the account of John S. Fillimore;

Which was referred to the committee on Legislative Expenses.

Mr. Reed presented a remonstrance of citizens of Milwaukee county against the division of said county;

Which was referred to the select committee on that subject.

Moses M. Strong presented the account of Richard Hardell, as witness in certain territorial suits;

Which was referred to the committee on Territorial Expenditures.

Also, the account of Thomas J. Goza;

Which was referred to the committee on Legislative Expenditures.

Moses M. Strong, from the committee on Internal Improve-

ments, to whom was referred the claim of Wm. W. Brown, made report, accompanied with a resolution;

Which report was laid on the table, and

No. 12, (C.) "Joint resolution providing for the payment to William W. Brown out of the canal funds, the sum therein mentioned ;"

Which was read the first and second times.

Mr. Baker, from the select committee to whom was referred the resolution "that the committee on Internal Improvements be instructed to inquire into the expediency of providing for the payment of the canal bonds out of the proceeds of the sale of the canal lands," made a report, accompanied with a bill ;

No. 80, (C.) "A bill in relation to certain territorial bonds."

Mr. Kneeland moved that 200 copies of the report be printed ;

Which was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Kimball, Kneeland, Reed, Moses M. Strong and Dewey, (President,)—6.

Those who voted in the negative were,

Messrs. Catlin, Frank, Knowlton, Rountree, Whiton and Wilcox,—6.

Moses M. Strong moved that the report be printed ; [*See Appendix.*]

Which was agreed to; and

No. 80, (C.) "A bill in relation to certain territorial bonds,"

Was read a first and second time.

Mr. Whiton, from the committee on Enrolled Bills, made report of the following bills and memorial as correctly enrolled :

No. 5, (C.) "A memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe on Lake Superior ;"

No. 7, (C.) "A memorial to Congress for an appropriation to complete the improvement of the steamboat landing at Potosi, on the Mississippi river, Wisconsin ;"

No. 39, (C.) "An act relative to the county of Crawford and the counties thereto attached for judicial purposes;" and

No. 56, (C.) "An act fixing the salary of the Attorney General;"

Mr. Whiton, from the committee on the Judiciary, to whom the report of the committee on Internal Improvements on the memorial and contract of John Anderson, and the said memorial and contract, and Bill No. 57, (C.) "A bill to provide for the payment of John Anderson," had been referred, reported back the same with a report;

Which was read; and

On motion of Moses M. Strong,

Laid on the table, and report ordered to be printed.

Moses M. Strong, from the committee on Internal Improvements, asked leave to withdraw a report accompanying bill No. 57, (C.) for the purpose of amending the same.

Leave was granted, and the report was amended.

Moses M. Strong, from the committee on Internal Improvements, reported the following bills:

No. 81, (C.) "A bill to incorporate the Milwaukee, Madison and Mississippi Rail Road Company;"

No. 82, (C.) "A bill to incorporate the Sheboygan and Mississippi Rail Road Company;" and

No. 83, (C.) "A bill to incorporate the Milwaukee, Janesville and Mississippi Rail Road Company."

Mr. Catlin, from the joint committee on enrolled bills, made the following report:

The joint committee on enrollment report that they did, on this day, to wit. the 29th day of January, A. D. 1846, present to the Governor for his approval, the following bills, memorials and resolution, to wit:

"An act for the benefit of Adelbert H. Bishop;"

"An act to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company,' approved Feb. 28, 1839;"

"An act to provide for the collection of delinquent taxes on personal property in certain cases;"

"An act to legalize the acts of the officers therein named;"

"An act to authorize school district No. 1, in Sheboygan county, to levy a tax for building a school house ;"

"Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms and equipments ;" and

"Memorial to Congress on the subject of a penitentiary."

Mr. Kneeland, from the joint committee on Territorial Expenditures, reported

No. 84, (C.) "A bill to pay the county of Iowa the sum therein named ;" and

No. 85, (C.) "A bill for the relief of Joseph A. Arnold ;"

Which were severally read the first and second times, and the printing thereof dispensed with.

Mr. Knowlton, from the minority of the committee on Territorial Expenditures, to whom was referred the claim of Joseph A. Arnold, made a report ;

Which report was laid on the table.

The following message was received from the House of Representatives :

"Mr. President—The Governor has notified the House of Representatives, that he did, on the 14th inst., approve, sign and deposite in the office of the Secretary of the Territory :

"Resolution relative to a light house at Sauk Harbor ;"

"A memorial to Congress relative to the canal lands ;" and

"A memorial to Congress relative to the even sections on the canal reserve."

And also, on the 20th inst. :

"An act for the establishment of a territorial road from Burlington, in Racine county, to Delavan, in Walworth county ;" and

"An act to change the form of government in the county of Washington, and for other purposes."

And also, on the 21st inst. :

"An act to re-organize certain towns in Jefferson county ;"

And also, on the 2<sup>d</sup> inst. :

"An act to change the form of government in the county of Dodge, and for other purposes ;"



"An act to amend an act entitled 'an act to incorporate the Wisconsin River Navigation Company;'"

"An act to organize the county of Sheboygan for judicial purposes;" and

"An act for the relief of John J. Driggs."

And also, on the 24th inst.:

"An act to amend the election law concerning justices of the peace, and for other purposes;"

"An act to amend an act entitled 'an act concerning divorce;'" and

"Memorial to Congress on the subject of certain mail routes."

Also, on the 26th inst.:

"An act to provide for the canvassing the votes cast at the general election held on the 4th Monday of September, 1845, in the county of Marquette;" and

"An act giving further time to appeal from the decision of Judges of probate."

Also, on the 27th inst.:

"An act to amend the fourth section of an act entitled 'an act to amend an act entitled an act for assessing and collecting county revenue,' approved Feb. 19, 1841;" and

"An act to provide for re-locating the seat of justice of Sauk county, and for other purposes."

I am directed to present for the signature of the President,

"An act to authorize school district No. 3, in Dane county, to levy a tax to build a school house;"

"An act to authorize school district No. 7, in Snake Hollow school town, in Grant county, to levy an additional tax to build a school house;" and

"An act to amend an act entitled 'an act concerning masters in chancery;'"

Which have been signed by the Speaker of the House of Representatives.

The House of Representatives have passed

No. 53, (H. of R.) "A bill to incorporate certain towns therein named;" and

No. 55, (H. of R.) "A bill to provide for the improvement of the Grant river, at Potosi, in Grant county;"

In which the concurrence of this House is requested."

The President signed the several acts presented with said message.

Mr. Baker, from the committee on the Judiciary, to whom was referred

No. 5, (H. of R.) "Resolution instructing the Attorney General to commence legal proceedings against the Wisconsin Marine and Fire Insurance Company,"

Reported the resolution back, with amendments.

Mr. Kneeland, from the committee on Incorporations, reported

No. 86, (C.) "A bill relating to certain streets in the city of Milwaukee;"

Which was read the first and second times.

The President laid before the Council a communication from the Treasurer of the Territory in relation to certain scrip in the territorial treasury; [*See Appendix* ]

Which was read and laid on the table.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 26, (C.) "A bill authorizing proceedings in chancery against corporations;"

No. 62, (C.) "A bill to provide for the payment of Horatio N. Wells' account against the Territory," and

No. 63, (C.) "A bill to provide for the payment of J. Gillett Knapp's account against the Territory."

Mr. Reed, on leave given, introduced

No. 87, (C.) "A bill to amend an act entitled "an act to incorporate the city of Milwaukee;"

Which was read the first and second times.

The amendments of the Council to

No. 7, (H. of R.) "Resolution for the appointment of a committee to examine the Mineral Point Bank;"

Non-concurred in by the House of Representatives, having been taken up,

Moses M. Strong moved that the Council do insist ;

Which was decided in the affirmative.

The amendments of the House of Representatives to No. 32, (H. of R.) "A bill to incorporate Carroll College;" Were taken up, and the amendments concurred in.

The following bills were severally read a first and second time :

No. 55, (H. of R.) "A bill to provide for the improvement of Grant river, at Potosi ;"

No. 53, (H. of R.) "A bill to incorporate certain towns therein named ;"

No. 54, (H. of R.) "A bill to amend an act entitled 'an act to provide for the government of the several towns in this Territory, for the revision of county government, and for other purposes;'"

No. 32, (H. of R.) "A bill to provide for a division of the county of Milwaukee;"

No. 47, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the village of Fairplay,' approved Feb. 24, 1845;"

No. 46, (H. of R.) "A bill to vacate part of Second street, in the town of Potosi, in the county of Grant, and for other purposes;"

No. 48, (H. of R.) "A bill to provide for paying the Adjutant General of the militia for his former services and disbursements ; and

No. 49, (H. of R.) "A bill to divide the county of Iowa and establish the counties of La Fayette and Montgomery."

No. 63, (C.) "A bill to provide for the payment of J. Gillett Knapp's account against the Territory,"

Being under consideration, No. 63, (C.) was

On motion of Mr. Knowlton,

Laid on the table.

No. 62, (C.) "A bil to provide for the payment of Horatio N. Wells' account against the Territory,"

Was read a third time, passed, and the title thereof was agreed to.

Moses M. Strong moved that the Council now take up

No. 4, (H. of R.) "Resolution providing for a final settlement of the claims of Daniel Baxter."

Mr. Catlin moved to amend the motion, by including No. 75, (C,) "A bill to provide for the payment of Moses M. Strong, Esq.;"

Which was agreed to.

A message was received from the House of Representatives, as follows:

"Mr. President—I am directed to inform you that seats have been prepared in the Representatives' Hall for the accommodation of the Hon. Council preparatory to the election of certain territorial officers.

I am directed to present for the signature of the President,

"A memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe, on Lake Superior;"

"An act relative to the county of Crawford and the counties thereto attached for judicial purposes;"

"An act fixing the salary of the Attorney General;" and

"Memorial to Congress for an appropriation to complete the improvement of the steam boat landing at Potosi, on the Mississippi river, in Wisconsin;"

Which have been signed by the Speaker of the House of Representatives.

The President signed the acts presented to him with said message.

On motion of Moses M. Strong,

*Ordered*, That the Council do now repair to the Hall of the House of Representatives, for the purpose of going into Convention to elect certain territorial officers.

The members of the Council thereupon proceeded to the Hall of the House of Representatives, for that purpose;

And the business of the Convention having been concluded, and the members of the Council having returned to their chamber,

Mr. Catlin, who had been appointed teller, for that purpose, on the part of the Council, reported the following as the proceedings and result of the said election:



Convention proceeded to a second ballot;

Which being taken, the tellers reported the whole number of votes to be thirty-eight.

Necessary to a choice, twenty.

And that John Y. Smith had Seventeen votes.

J. Gillett Knapp had Thirteen “

John Nelson had Two “

No choice having been made,

Moses M. Strong moved that the members of Convention vote viva voce.

The Chair decided that by law the vote must be by ballot.

Whereupon, a third ballot was taken; and

The tellers reported the whole number of votes to be thirty-eight.

Necessary to a choice, twenty.

And that John Y. Smith had Eighteen votes.

J. Gillett Knapp had Seventeen “

John Nelson had One “

J. McCabe had One “

Blank, One “

No choice having been made,

A fourth ballot was taken; and

The Tellers reported the whole number of votes to be thirty-eight.

Necessary to a choice, twenty.

And that John Y. Smith had Eighteen votes.

J. Gillett Knapp had Nineteen “

John Nelson had One “

No choice having been made,

Moses M. Strong moved that the Convention do now adjourn until Saturday next, at eight o'clock P. M.;

And on this motion,

The ayes and noes having been called,

Those of the Council who voted in the affirmative were,

Messrs. Baker, Catlin, Moses M. Strong and Dewey, (President,)—4.

Those of the Council who voted in the negative were,

Messrs. Frank, Kimball, Kneeland, Knowlton, Reed, Roundtree, Whiton and Wilcox,—8.

Those of the House who voted in the affirmative were,  
Messrs. Barstow, Brawley, Clapp, Earll, Graves, Hoard,  
Moors, Parker, Phelps, Wooster and Darling, (Speaker,)  
—11.

Those of the House who voted in the negative were,  
Messrs. Billings, Brown, Burnett, Crawford, Croswell, Cru-  
son, Dennis, Fisher, Jackson, Jones, MaGone, Morrow, Pole,  
Sheldon and Thomas—15.

Ayes 15—noes 23.

So the Convention refused to adjourn.

A fifth ballot was then had; and

The tellers reported the whole number of votes to be thirty-  
eight.

Necessary to a choice, twenty.

And that John Y. Smith had

Twelve votes.

J. Gillett Knapp had

Nineteen "

John Nelson had

Seven "

No choice having been made,

The Convention proceeded to a sixth ballot.

Moses M. Strong withdrew the name of John Y. Smith,  
and nominated John Nelson.

A sixth ballot having been taken,

The tellers reported the whole number of votes to be thirty-  
eight.

Necessary to a choice, twenty.

And that J. Gillett Knapp had

Twenty votes.

John Nelson had

Fourteen "

John Y. Smith had

Three "

Blank,

One "

Whereupon, Joseph Gillett Knapp was declared duly elect-  
ed Superintendent of Public Property, for one year from the  
close of the present session of the Legislature.

The Convention proceeded to the election of Register of  
the Milwaukee and Rock River Canal.

John White was nominated by

William Shew " " Mr. Kimball.

And a ballot being taken,

The tellers reported the whole number of votes to be thirty-  
eight.

Necessary to a choice, twenty.

And that John White had	Twenty-five votes.
William Shew had	Ten “
John Y. Smith had	Two “
John H. Tweedy had	One “

Whereupon John White was declared duly elected Register of the Milwaukee and Rock River Canal, for the ensuing year.

The Convention then proceeded to the election of Receiver of the Milwaukee and Rock River Canal.

David Merrill, Charles H. Larkin and David Bonham were severally nominated, and a ballot having been taken, the tellers reported the whole number of votes to be thirty-eight,

Necessary to a choice, twenty, and that

David Merrill had	Fourteen votes,
Charles H. Larkin had	Fifteen “
David Bonham had	Three “
J. E. Arnold had	One “
George Day had	One “
David Bonnell had	One “
William Shew had	One “
Blank	Three “

No choice having been made, a second ballot was taken, and the tellers reported the whole number of votes to be thirty-eight.

Necessary to a choice, twenty, and that

David Merrill had	Fifteen votes,
Charles H. Larkin had	Twelve “
David Bonham had	Four “
Rufus Parke had	Two “
J. Hathaway had	One “
John H. Tweedy had	One “
J. E. Arnold had	One “
Blank	Two “

No choice having been made,

Mr. Dennis nominated Rufus Parke.

The Convention proceeded to a third ballot, and the tellers reported the whole number of votes to be thirty-eight.

Necessary to a choice, twenty, and that



David Merrill had	Twelve votes,
Charles H. Larkin had	Nine "
Rufus Parke had	Eight "
John H. Tweedy had	Three "
James Kneeland had	Two "
Alexander Mitchel had	One "
Gen. Crawford had	One "
J. Hathaway had	One "
Blank	One "

No choice having been made,  
 Marshall M. Strong nominated James Kneeland,  
 And a fourth ballot being taken, the tellers reported the  
 whole number of votes to be thirty-eight.

Necessary to a choice twenty, and that

David Merrill had	Sixteen votes,
Rufus Parke had	Ten "
James Kneeland had	Four "
Charles H. Larkin had	Three "
J. Hathaway had	Two "
Gen. Crawford had	One "
John H. Tweedy had	One "

No choice having been made, a fifth ballot was taken, and  
 the tellers reported the whole number of votes to be thirty-  
 eight.

Necessary to a choice, twenty, and that

David Merrill had	Twenty-seven votes,
Rufus Parke had	Nine "
Charles H. Larkin had	One "
Blank	One "

And David Merrill was declared duly elected Receiver of  
 the Milwaukee and Rock River Canal for the ensuing year,

And the Convention adjourned.

Moses M. Strong, on leave, introduced

No. 88, (C.) "A bill in relation to the election of territori-  
 torial officers and agents ;

Which was read the first and second times, and

On his motion the rule which prohibited its being read a  
 third time now was suspended. Also

No. 89, (C.) "A bill to amend an act entitled 'an act to

provide for the payment to the county of Dane the sum therein mentioned ;”

Which was read a first and second times, and the printing thereof dispensed with.

No. 26 (C.) “ A bill authorizing proceedings in chancery against corporations,”

Was taken up, read a third time, passed, and the title thereof agreed to.

No. 88, (C.) was then read a third time.

Moses M. Strong asked the unanimous consent of the Council to amend said bill ;

Objection being made,

On motion of Mr. Catlin,

It was recommitted to the committee of the whole.

Mr. Catlin, by leave, introduced

No. 90, (C.) “ A bill to provide for the payment of the claim of Edward V. Whiton against the Territory ;”

Which was read a first and second times and the printing thereof dispensed with.

Mr. Catlin moved a division on the question of agreeing to the amendments of the committee of the whole to No. 52, (C.) and demanded a call of the House ;

Mr. Kneeland was absent.

On motion of Mr. Baker,

Further proceedings in the call of the Council were dispensed with.

Mr. Baker, from the committee on the Judiciary, to whom the matter had been referred, and by leave, introduced

No. 91, (C.) “ A bill to vacate the town plat of the City of the Second Lake ;”

No. 92, (C.) “ A bill to exempt firemen from certain liabilities ;”

Which were read the first and second times, and the printing thereof dispensed with.

Also reported back

No. 77, (C.) “ A bill repealing an act which vacated an alley in Southport ;”

With amendment,

In pursuance of Mr. Catlin's motion, a division was had on agreeing to the amendments of the committee of the whole to No. 52, (C.) and the amendments of the committee of the whole were concurred in ;

And the ayes and noes being demanded on the last amendment to strike out the last section of said bill,

Those who voted in the affirmative were,  
Messrs. Baker, Frank, Kimball, Kneeland, Reed, Rountree, Whiton and Wilcox,—8.

Those who voted in the negative were,  
Messrs. Catlin, Knowlton, Moses M. Strong, and Dewey, (President,)—4.

Leave was given to the committee of the whole to sit again on Nos. 32 and 15 (C.)

Mr. Baker moved to amend

No. 75, (C.) " A bill to provide for the payment of Moses M. Strong,"

By striking out the words " one thousand," in the first section, and insert in place thereof the words " eight hundred ;" Which was disagreed to.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Frank, Rountree, Wilcox and Dewey, (President,)—5.

Those who voted in the negative were,  
Messrs. Catlin, Kimball, Kneeland, Knowlton, Reed, and Whiton,—6.

Mr. Frank moved to amend said bill by inserting "\$900," in place of "\$1000 ;"

Which was agreed to.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Frank, Kneeland, Rountree, Wilcox, and Dewey, (President,)—6.

Those who voted in the negative were,  
Messrs. Catlin, Kimball, Knowlton, Reed, and Whiton—5.

The bill was then ordered to be engrossed and read the third time.

No. 4, (H. of R.) "Resolution providing for the final settlement of the claim of Daniel Baxter,"

Was taken up, when

Mr. Wilcox moved to amend said bill by striking out the words "one thousand," in the first section, and insert "800" in place thereof;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kneeland, Wilcox and Dewey, (President,)—5.

Those who voted in the negative were,

Messrs. Catlin, Kimball, Knowlton, Reed, Rountree, Moses M. Strong and Whiton,—7.

And the question then being,

"Shall this bill be read a third time?"

It was decided in the negative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball and Reed,—5.

Those who voted in the negative were,

Messrs. Kneeland, Knowlton, Rountree, Moses M. Strong, Whiton, Wilcox and Dewey, (President,)—7.

Moses M. Strong moved to re-consider said vote, pending which he moved that the motion to re-consider be laid on the table;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Reed and Moses M. Strong,—5.

Those who voted in the negative were,

Messrs. Frank, Kimball, Knowlton, Rountree, Whiton, Wilcox and Dewey, (President,)—7.

The question then recurring on the motion to re-consider the vote by which the Council refused to order said resolution to a third reading;

It was decided in the negative.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Frank, Kneeland, Reed, and Moses  
M. Strong,—6.

Those who voted in the negative were,  
Messrs. Kimball, Knowlton, Rountree, Whiton, Wilcox and  
Dewey, (President,)—6.

The Council then resolved itself into a committee of the whole on

No. 32, (C.) "A bill to incorporate the Milwaukee and Mississippi Rail Road Company," and

No. 15, (C.) "A bill to divide the Territory of Wisconsin into new election districts for members of the Legislature,  
Mr. Reed in the chair.

And after some time spent therein, the committee rose, and by their chairman reported the same back with amendments, and the amendments were concurred in.

Mr. Knowlton moved further to amend No. 32, by adding a new section, as follows:

"Add a new section as follows:

'Any future Legislature of this Territory, or of the future State of Wisconsin, may at any time alter, amend, or repeal this act, or any part thereof, or any amendatory acts to this act hereafter passed;'

Which was not concurred in.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Catlin, Frank, Kneeland, Knowlton, and Wilcox,  
—5.

Those who voted in the negative were,  
Messrs. Baker, Kimball, Reed, Rountree, Moses M. Strong, Whiton and Dewey, (President,)—7.

The said bill No. 32, (C.) was then ordered to be engrossed and read a third time.

M. Kneeland, from the committee on Territorial Expenditures, to whom the matter had been referred, and by leave, made the following report:

"The committee on Territorial Expenditures, to which was

referred Memorial No. 1, and Resolutions Nos. 2 and 3, asking Congress to make appropriations for certain roads, recommend that said memorial and resolutions be laid on the table, and they report a memorial the passage of which they recommend in lieu of them."

The first mentioned memorials and resolution were thereupon laid on the table, and said substitute

No. 9, (C.) "Memorial to Congress asking appropriations for roads,"

Was read the first and second times.

Mr. Catlin, from the committee on Enrolled Bills, made the following report:

That the joint committee on enrollment report that they did, on this day, to wit: the 29th of January, A. D. 1846, present the following bills and memorial, to the Governor for his approval, to wit:

"An act fixing the salary of the Attorney General;"

"An act relative to the county of Crawford and the counties thereto attached for judicial purposes;"

"A memorial to the Congress of the United States relative to a mail route from the Falls of St. Croix to La Pointe, on Lake Superior;" and

"Memorial to Congress for an appropriation to complete the improvement of the steam boat landing at Potosi, on the Mississippi river, in Wisconsin."

The Council then resolved itself into a committee of the whole on

No. 47, (C.) "A bill relating to suits on notes;"

No. 38, (C.) "A bill to authorize religious societies to lease or sell their real estate;"

No. 69, (C.) "A bill to incorporate Grace Church of Madison;"

No. 70, (C.) "A bill relating to the support of the poor in Racine county;"

No. 79, (C.) "A bill making appropriations out of the Territorial Treasury to pay certain debts therein named;"

No. 78, (C.) "A bill for the relief of the stockholders of the Wisconsin Marine and Fire Insurance Company;"

No. 72, (C.) "A bill relating to party's fees;"

No. 74, (C.) "A bill to incorporate the Rochester Cemetery Company;" and

No. 11, (C.) "Joint resolution instructing the Attorney General to collect certain delinquent taxes,"

Mr. Knowlton in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

Bills Nos. 76, 69, 70, 78, 72, 74, and resolution No. 11,

Without amendment; and

Bills Nos. 38, 79 and 47 with amendments

Bills Nos. 76, 38, 70, 79, 74 and resolution No. 11, were severally ordered to be engrossed and read a third time.

Moses M. Strong moved to postpone the further consideration of No. 47 indefinitely.

Mr. Knowlton moved to lay said bill on the table;

Which was agreed to.

On motion of Mr. Baker,

No. 78 was referred to the committee on the Judiciary.

Mr. Knowlton moved to lay No. 69 (C.) on the table;

Which was agreed to.

Also moved to amend No. 72 by inserting after the word "party," in the first line of the first section the word "defendant;"

Which was disagreed to.

Mr. Wilcox moved to strike out all after the enacting clause;

Which was negatived;

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Reed, Moses M. Strong and Wilcox—3.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Rountree, Whiton and Dewey, (President,)—9.

And the question being,

"Shall this bill be engrossed and read the third time?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Rountree, Whiton and Dewey, (President,)—9.

Those who voted in the negative were,

Messrs. Reed, Moses M. Strong and Wilcox,—3.

Mr. Reed, from the committee on Engrossed Bills, by leave, reported as correctly engrossed,

No. 75, (C.) "A bill to provide for the payment of Moses M. Strong ;"

And moved to suspend the rules which prohibited the bill from being read the third time now ;

Which was agreed to,

And the bill was read a third time and passed.

Mr. Catlin moved to amend the title to said bill so as to read "A bill to pay Moses M. Strong the sum therein mentioned;"

Which was agreed to.

The title thereof as amended was agreed to.

Mr. Rountree, by leave, introduced

No. 13, (C.) "Resolution relative to appointing a committee to examine, correct and cancel all evidence of indebtedness in the Territorial Treasury and Auditor's office ;"

Which was read and adopted.

Mr. Reed, on leave, introduced

No. 14, (C.) "Resolution providing for a final settlement of the claims of Daniel Baxter ;"

Which was read the first and second times, and the rules requiring it to be printed and considered in committee of the whole, were dispensed with.

Moses M. Strong moved to suspend the rule in regard to No. 71, (C.) which prohibited the said bill being then read a third time now ; when

On motion of Mr. Reed,

The said bill was recommitted to the committee of the whole.

Mr. Kneeland moved to take up the petition of F. W. Schœllner for a divorce from his wife Augusta ;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,



Messrs. Baker, Frank, Kimball, Kneeland, Reed, Moses M. Strong and Wilcox,—7.

Those who voted in the negative were,

Messrs. Catlin, Knowlton, Rountree, Whiton and Dewey, (President),—5.

So the motion was negatived, two-thirds not having voted in the affirmative.

Mr. Catlin moved to adjourn till nine o'clock to-morrow morning.

Mr. Whiton moved to adjourn ;

Which was disagreed to.

Moses M. Strong moved to adjourn till half past 7 o'clock ;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Frank, Kimball, Kneeland, Moses M. Strong Wilcox and Dewey, (President),—6.

Those who voted in the negative were,

Messrs. Baker, Catlin, Knowlton, Reed, Rountree and Whiton,—6.

Mr. Reed moved to adjourn till 9 o'clock ;

Which was disagreed to.

On motion of Moses M. Strong,

The Council adjourned.

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## FRIDAY, January 30, 1846.

Prayer by Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows, to wit :

By Mr. Kneeland. Remonstrance of 232 citizens of Milwaukee against a division of said county ;

Which was referred to the select committee on that subject.

Mr. Kneeland also presented the petition of Charles J. Bennett and 36 others, citizens of Milwaukee, for an act to exempt members of fire companies from certain duties;

Which was referred to the committee on Territorial Affairs.

On motion of Moses M. Strong,

No. 12, (C.) "Joint resolution instructing the Superintendent of Territorial Property to perform certain duties,"

Was taken up, passed, and the title agreed to.

On motion of Mr. Frank,

The letter of the Treasurer of the Territory in relation to certain scrip in the territorial treasury, which had been laid on the table,

Was taken up, and ordered to be printed. [*See Appendix.*]

Mr. Baker, from the committee on the Judiciary, to whom had been referred

No. 78, (C.) "A bill for the relief of the stockholders of the Wisconsin Marine and Fire Insurance Company;"

Reported back the same, with amendments.

A message was received from the House of Representatives as follows:

"Mr. President—The House of Representatives have passed

No. 33, (H. of R.) "A bill to incorporate the Lisbon and Milwaukee Plank Road Company;" Also,

No. 10, (C.) "Joint resolution relative to closing the business of the present session of the Legislature;"

With an amendment;

In each of which the concurrence of this House is requested.

The House have receded from their vote non-concurring in the amendment of the Council to

No. 7, (H. of R.) "Resolution for the appointment of a committee to examine the Mineral Point Bank;"

And have concurred in the said amendment."

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 38, (C.) "A bill to authorise religious societies to lease or sell their real estate;"

No. 70, (C.) "A bill relative to the support of the poor in Racine county ;

No. 72, (C.) "A bill relating to party's fees ;"

No. 76, (C.) "A bill to authorize the collector of the town of Hudson to collect certain taxes ;" and

No. 11, (C.) "Joint resolution instructing the Attorney General to collect certain delinquent taxes."

On motion of Mr. Knowlton,

The message of the Governor, laid on the table yesterday, was taken up, and

The nominations of Daniel G. Fenton and Parsons K. Johnson were confirmed ;

And the nomination of Hiram Baldwin was laid on the table.

No. 33, (H. of R.) "A bill to incorporate the Lisbon and Milwaukee Plank Road Company ;"

Was read the first and second times.

The amendments of the House of Representatives to the joint resolution in relation to the transmission of business between the two Houses,

Were taken up, and the amendments concurred in.

Mr. Kneeland offered the following resolution :

*Resolved*, That the House of Representatives be respectfully requested to transmit to this House all petitions, remonstrances, and other documents in relation to the division of Milwaukee county ;

Which resolution was adopted.

No. 38, (C.) "A bill to authorize religious societies to lease or sell their real estate,"

Being under consideration on a third reading,

Mr. Baker moved to amend the same, as follows ;

Amend sec. 1 by inserting in the 4th line, after the word "selling," the words "or mortgaging ;" and in 7th line, after the words "or sell," the words "or mortgage ;" and in 11th line, after the word "sold," the words "or mortgaged."

Amend sec. 2, by inserting in the 2d line, after the word "sold," the words "or mortgaged ;" and after the word "convey," in the 5th line, insert the words "or mortgaged."

Amend sec. 4, by inserting after the word "sell," in the

8th line, the words "or mortgage;" and strike out "or," before "sell;"

Which amendments were agreed to.

And the bill, as amended, was read a third time, passed, and the title thereof agreed to.

No. 72, (C.) "A bill relating to party's fees,"

Being under consideration,

And the question being, "Shall this bill be read a third time?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Whiton and Dewey, (President,)—8.

Those who voted in the negative were,

Messrs. Reed, Rountree, Moses M. Strong and Wilcox,—4.

No. 76, (C.) "A bill to authorize the collector of the town of Hudson to collect certain taxes;"

No. 70, (C.) "A bill relative to the support of the poor in Racine county;" and

No. 11, (C.) "Joint resolution instructing the Attorney General to collect certain delinquent taxes;"

Were severally read a third time, passed, and the titles thereof agreed to.

On motion of Moses M. Strong,

No. 14, (C.) "Resolution providing for a final settlement of the claims of Daniel Baxter,"

Was taken up;

And the question being,

"Shall the resolution be engrossed and read a third time?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Reed, Moses M. Strong and Wilcox,—7.

Those who voted in the negative were,

Messrs. Kneeland, Knowlton, Rountree, Whiton and Dewey, (President,)—5.

And the resolution was ordered to be engrossed and read a third time.

On motion of Moses M. Strong,

That all rules be suspended in regard to this resolution, and that it be read a third time now,

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed, Moses M. Strong and Wilcox,—8.

Those who voted in the negative were,

Messrs. Knowlton, Rountree, Whiton and Dewey, (President,)—4.

And the resolution was read a third time, passed, and the title thereof agreed to.

Mr. Whiton, from the committee on Enrolled Bills, reported as correctly enrolled :

“An act granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi river, at Potosi.”

Mr. Kneeland moved that

No. 32, (H. of R.) “A bill to provide for a division of the county of Milwaukee;”

Be referred to the select committee on that subject;

Which was disagreed to.

On motion of Mr. Whiton,

The Council resolved itself into a committee of the whole on all the bills of the House of Representatives now ready for action thereon;

Mr. Whiton in the chair.

And after some time spent therein, the committee rose, and by their chairman reported, without amendments,

No. 54, (H. of R.) “A bill to amend an act entitled ‘an act to provide for the government of the several towns in this Territory, for the revision of county government, and for other purposes;”

No. 49, (H. of R.) “A bill to divide the county of Iowa and establish the counties of La Fayette and Montgomery;”

No. 32, (H. of R.) "A bill to provide for the division of Milwaukee county ;"

No. 55, (H. of R.) "A bill to provide for the improvement of Grant river, at Potosi, in Grant county ;"

No. 47, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the village of Fairplay,' approved Feb. 24, 1843 ;"

No. 48, (H. of R.) "A bill to provide for paying the Adjutant General of the militia for his former services and disbursements ; and

No. 46, (H. of R.) "A bill to vacate part of Second street, in the town of Potosi, in the county of Grant, and for other purposes ;"

Also reported,

No. 33, (H. of R.) "A bill to incorporate the Lisbon and Milwaukee Plank Road Company,"

With amendments ;

Which amendments were agreed to.

Also, reported progress on

No. 53, (H. of R.) "A bill to incorporate certain towns therein named ;"

And asked leave to sit again thereon ; and

Leave was granted.

No. 33, (H. of R.) "A bill to incorporate the Lisbon and Milwaukee Plank Road Company,"

Was ordered to be read a third time.

No. 55, (H. of R.) "A bill to provide for the improvement of the Grant river, at Potosi, in Grant county ;"

Was read a third time, passed, and the title thereof was agreed to.

No. 54, (H. of R.) "A bill to amend an act to provide for the government of the several towns in this Territory, for the revision of county government, and for other purposes ;"

Being under consideration,

Mr. Whiton moved to amend the same by striking out the second section of the bill.

Moses M. Strong moved to postpone the further consideration of this bill until to-morrow ;

Which was agreed to.

No. 46, (H. of R.) "A bill to vacate a part of 2d street, in the town of Potosi, in the county of Grant, and for other purposes;"

Was ordered to be read a third time now.

The said bill was read a third time ;

And the question then being,

"Shall this bill pass?"

It was decided in the affirmative.

And the ayes and noes having been called,

Those who voted in the affirmative were,

Messrs. Catlin, Frank, Kimball, Reed, Rountree, Moses M. Strong and Wilcox,—7.

Those who voted in the negative were,

Messrs. Kneeland, Knowlton, Whiton and Dewey, (President,)—4.

And the bill passed, and the title thereof was agreed to.

No. 48, (H. of R.) "A bill to provide for the paying the Adjutant General of the Militia for his former services and disbursements,"

Being under consideration,

Was ordered to be read a third time now ;

And the bill was then read the third time, passed, and the title agreed to.

No. 47, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the village of Fairplay, approved February 24, 1843 ;'"

Being under consideration,

Was ordered to be read a third time now ; and

The said bill was read a third time, passed, and the title thereof agreed to.

No. 49, (H. of R.) "A bill to divide the county of Iowa, and establish the counties of La Fayette and Montgomery ;"

Was ordered to be read a third time.

A message was received from the House of Representatives, as follows:

"Mr. President—The House of Representatives have passed

No. 31, (C,) "A bill to authorize certain counties to levy a special tax,"

With an amendment ;

No. 9, (H. of R.) "Joint resolution relative to the canal funds," and

No. 56, (H. of R.) "A bill to provide for a superintendent of common schools ;"

In all of which the concurrence of this House is requested.

I am directed to present for the signature of the President,

"An act granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi river at Potosi."

Which has been signed by the Speaker of the House of Representatives."

The President signed the acts presented to him with said message.

Mr. Catlin, from the committee on Enrolled Bills, reported as correctly enrolled,

No. 35, (H. of R.) "A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant ;"

The following message was received from the House of Representatives :

"Mr. President—The Governor has notified the House of Representatives, that he did, on the 29th inst., approve, sign and deposite in the office of the Secretary of the Territory :

"An act to repeal an act entitled 'an act to incorporate the Wisconsin Marine and Fire Insurance Company, approved February 28, 1839 ;"

"An act to provide for the collection of delinquent taxes on personal property in certain cases ;"

"An act to authorize school district No. 1, in Sheboygan county to levy a tax for building a school house ;"

"An act to legalize the acts of the officers therein named ;"

"An act for the benefit of Adelbert H. Bishop ;"

"Resolution instructing the Superintendent of Territorial Property to prepare a room for the safe keeping of the public arms and equipments ;" and

"Memorial to Congress on the subject of a penitentiary."

The House of Representatives have passed

No. 14, (C.) "Resolution providing for a final settlement of the claims of Daniel Baxter."



I am directed to present for the signature of the President,

"A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant;"

Which has been signed by the Speaker of the House of Representatives."

The President signed the several acts presented with said message.

No. 32, (H. of R.) "A bill to provide for the division of the county of Milwaukee;"

Being under consideration,

Mr. Kneeland moved to amend the bill; when

On motion of Moses M. Strong,

The Council adjourned until half past two o'clock, P. M.

#### HALF PAST TWO O'CLOCK, P. M.

No. 32, (H. of R.) "A bill to provide for the division of Milwaukee county,"

Was announced as in order for the consideration of the Council.

Mr. Kimball moved a call of the House.

Messrs. Moses M. Strong and Knowlton were absent.

Mr. Baker moved that all further proceedings on the call be suspended;

Which was disagreed to.

The absentees being declared present,

The President announced the question to be,

"Shall this bill be ordered to be read a third time?" when

Mr. Kneeland moved to amend said bill as follows:

Strike out the word "one," after the word "twenty," in the first section;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kneeland and Rountree,—2.

Those who voted in the negative were,  
Messrs. Baker, Catlin, Frank, Kimball, Reed, Moses M. Strong, Whiton, Wilcox and Dewey, (President),—10.

Mr. Kneeland moved to amend said bill as follows :

Strike out all after the word "every," in the first section, and insert "white male inhabitant over the age of twenty-one years, who shall have resided in said towns three months previous to the passage of this act, may vote in their respective towns for or against such division ;"

Which was non-concurred in.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Kneeland, Reed, Moses M. Strong, Wilcox and Dewey, (President),—6.

Those who voted in the negative were,  
Messrs. Catlin, Frank, Kimball, Knowlton, Rountree and Whiton,—6.

Mr. Kneeland also moved to amend said bill as follows :

Insert after the words "Waukesha county," in the 4th section, "Provided a majority of the persons voting in range 20 shall vote against division, then in that case said range 20 shall not be set off, but remain in the county of Milwaukee ;"

Which was decided in the negative.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Kneeland, Rountree, Wilcox and Dewey, (President),—4.

Those who voted in the negative were,  
Messrs. Baker, Catlin, Frank, Kimball, Knowlton, Reed, Moses M. Strong and Whiton,—8.

Mr. Whiton moved to amend said bill in the 6th section, by inserting after the word "Territory," and Washington, and the county of Milwaukee shall hereafter be entitled to two members of the Council and four members of the House of Representatives, and no more ;"

Which was disagreed to.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Rountree, Whiton and Dewey, (President,)—6.

Those who voted in the negative were,

Messrs. Frank, Kimball, Knowlton, Reed, Moses M. Strong and Wilcox,—6.

Mr. Kneeland moved to amend said bill as follows :

Insert after the words "according to law," in the 7th section, to wit: "That for the purpose of permanently establishing the seat of justice in the county organized by this act, the male inhabitants residing in said county, and who were actual residents at the passage of this act, may at the next general election vote for one or more places for said county seat ; and the place receiving the largest number of votes shall be selected for the seat of justice in said county ;"

And strike out all after the words "supervisors shall," to the word "provide ;"

Which was disagreed to.

And the question recurring on ordering this bill to be read a third time,

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Knowlton, Rountree, Moses M. Strong, Whiton and Wilcox,—9.

Those who voted in the negative were,

Messrs. Kneeland, Reed and Dewey, (President,)—3.

And said bill was ordered to be read a third time now, the rules having been suspended for that purpose.

The said bill was then read a third time ;

And the question being,

"Shall this bill pass ?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Knowlton, Rountree, Moses M. Strong, Whiton and Wilcox,—9.

Those who voted in the negative were,

Messrs. Kneeland, Reed and Dewey, (President,)—3.

So the bill passed and the title thereof was agreed to.

Moses M. Strong moved to suspend the rules in regard to No. 49, (H. of R.) "A bill to divide the county of Iowa, and establish the counties of La Fayette and Montgomery;"

Which prohibited said bill from being read a third time now;

Which was agreed to.

The bill was then read a third time, passed, and the title thereof agreed to.

Mr. Knowlton moved to take up

No. 63, (C.) "A bill to provide for the payment of J. Gillett Knapp's account against the Territory,"

Which was agreed to;

And the bill was then read the third time, passed, and the title thereof agreed to.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 52, (C.) "A bill to change the form of Government of the county of Dane."

And the bill was then read a third time, passed, and the title thereof agreed to.

Moses M. Strong moved to suspend the rules and that the Council go into committee of the whole on the general file of bills;

Which was agreed to.

Moses M. Strong in the chair.

And after some time spent therein, the committee rose, and by their chairman reported progress on

No. 77, (C.) "A bill repealing an act which vacated an alley in Southport;"

No. 16, (C.) "A bill to provide for the redemption of real estate sold under a decree in chancery;"

No. 81, (C.) "A bill to incorporate the Milwaukee, Madison and Mississippi Rail Road Company;"

No. 82, (C.) "A bill to incorporate the Sheboygan and Mississippi Rail Road Company;" and

No. 83, (C.) "A bill to incorporate the Milwaukee, Janesville and Mississippi Rail Road Company."

And asked leave to sit again thereon; and

Leave was granted.

Also reported,

No. 92, (C.) "A bill to exempt firemen from certain liabilities ;"

No. 90, (C.) "A bill to provide for the payment of the claim of Edward V. Whiton against the Territory ;"

No. 5, (H. of R.) "Resolution instructing the Attorney General to commence legal proceedings against the Wisconsin Marine and Fire Insurance Company ;"

No. 9, (C.) "Memorial to Congress asking appropriations for roads ;" and

No. 83, (C.) "A bill in relation to the election of territorial officers and agents ;"

With amendments ; and

No. 89, (C.) "A bill to amend an act entitled 'an act to provide for the payment to the county of Dane the sum therein mentioned,' approved Feb. 22, 1845 ;"

No. 86, (C.) "A bill relating to certain streets in the city of Milwaukee ;"

No. 80, (C.) "A bill in relation to certain territorial bonds ;"

No. 85, (C.) "A bill for the relief of Joseph A. Arnold ;"

No. 12, (C.) "Joint resolution providing for the payment of William W. Brown out of the canal funds the sum therein mentioned ;"

No. 84, (C.) "A bill to pay the county of Iowa the sum therein named ;"

No. 87, (C.) "A bill to amend an act entitled 'an act to incorporate the city of Milwaukee ;' and

No. 91, (C.) "A bill to vacate the town plat of the City of the Second Lake ;"

Without amendments,

Mr. Catlin moved a division of the question upon concurring in the second amendment of the committee of the whole to resolution No. 5, which is as follows:

"*Resolved.* That the Attorney General be authorized to ascertain whether any lands have escheated to the Territory ; and if so, to take all measures necessary and proper to obtain possession of the same for the Territory, and to protect them from trespass or other injury."

The question was first taken on the 1st and 3d amendments of the committee of the whole to said resolution ;

Which were concurred in.

Said second amendment was non-concurred in.

The resolution was then ordered to be read a third time now ;

Was read a third time and passed ; when

Mr. Baker moved to amend the title, so as to read " Resolution authorizing the Attorney General to institute and conduct certain legal proceedings ;"

Which was concurred in ;

And the title, as amended, was agreed to.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed :

No. 32, (C.) " A bill to incorporate the Milwaukee and Mississippi Rail Road Company."

On motion of Moses M. Strong,

The bill was read a third time and passed ; when

Moses M. Strong moved to amend the title by striking out " Milwaukee," and insert in the place thereof " Lake Michigan ;"

Which was agreed to ;

And the title, as amended, was agreed to.

Bills Nos. 91, 84, 85 and 86, and resolution No 12, (C.) were severally ordered to be engrossed and read a third time.

Mr. Catlin moved to amend the report of the committee of the whole on No. 90, (C.) by striking out the words " two hundred and fifty," and insert in the place thereof " three hundred ;"

Which was agreed to,

And the report of the committee of the whole as amended was adopted, and said bill was ordered to be engrossed and read a third time.

The amendments of the committee of the whole to bills Nos. 88, 92, and memorial No. 9, were severally concurred in.

No. 92 and memorial No. 9, were ordered to be engrossed and read a third time.

On the question whether No. 88 should be ordered to be engrossed and read a third time,

Mr. Knowlton moved a call of the house.

Mr. Whiton was absent.

Moses M. Strong moved to suspend further proceedings on the call of the House ;

Which was disagreed to.

Mr. Whiton having been declared present, the question was taken on ordering said bill to be engrossed and read a third time ;

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Reed, Rountree and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Frank, Kneeland, Knowlton, Whiton, Wilcox and Dewey, (President,)—6.

So the bill was rejected.

On the question whether No. 89 (C.) should be engrossed and read a third time,

The ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Reed, and Moses M. Strong,—5.

Those who voted in the negative were,

Messrs. Baker, Frank, Knowlton, Rountree, Whiton, Wilcox and Dewey, (President,)—7.

Thus the said bill was rejected.

On motion of Mr. Kneeland,

The rule having been suspended for that purpose,

No. 71, (C.) "A bill concerning bridges in the city of Milwaukee,"

Was read the third time, passed, when

Mr. Kneeland moved to amend the title so as to read "a bill relating to bridges in the city of Milwaukee;"

Which was agreed to.

And the title as amended was agreed to.

Mr. Kneeland moved that the further consideration of No. 87 be indefinitely postponed ;

Which was disagreed to.

On the question whether No. 87, (C.) should be engrossed and read a third time,

The ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Catlin, Frank, Kimball, Reed, Moses M. Strong, Whiton and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Kneeland, Knowlton, Rountree and Wilcox—4.

And the bill was ordered to be engrossed and read the third time.

Pending the question whether No. 85, should be engrossed and read the third time ;

The following message was received from the House of Representatives by their chief clerk :

“ Mr. President—I am directed to present for your signature,

“ Resolution for the appointment of a committee to examine the Bank of Mineral Point ;”

“ An act in relation to the formation of a State Government in Wisconsin ;”

“ An act to authorize school district No. 1, in Platteville school district to build a school house,” and

“ An act to authorize school district No. 1, in the town of Rochester to levy a tax.”

Which have been signed by the Speaker of the House of Representatives.”

The President signed the said bills.

Mr. Whiton, from the committee on Enrolled Bills, made the following report :

The committee on enrollment report as correctly enrolled,

“ An act in relation to the formation of a State Government in Wisconsin ;”

“ An act to authorize school district No. 1, in the town of Rochester, to levy a tax ;”

“ An act to authorize school district No. 1, in Platteville school district, to build a school house,” and



“ Resolution for the appointment of a committee to examine the bank of Mineral Point.”

The question then recurring on ordering bill No. 85, (C.) to be engrossed and read the third time.

Moses M. Strong moved the previous question ;

Which was not seconded.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Kimball, Kneeland, Reed, Rountree, Moses M. Strong and Whiton,—6.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Knowlton, Wilcox and Dewey, (President.)—6.

And said bill No. 85 was rejected.

Mr. Whiton moved to postpone the further consideration of No. 80 till to-morrow ;

Which was disagreed to.

Mr. Knowlton moved that the Council adjourn ;

Which was disagreed to.

Pending the question,

“ Shall this bill be engrossed and read a third time ?”

Mr. Catlin, by leave, presented three petitions of citizens of Dodge county, relative to the county seat of said county ;

Which was, on his motion, laid on the table.

Also, by leave, introduced

No. 15, (C.) “ Resolution relative to the offices of the Auditor and Treasurer of the Territory ;

Which was read a first and second times and the printing thereof dispensed with.

Also reported the following :

The joint committee on Enrollment report, that they did on the 29th day of January, A. D. 1846, present to the Governor for his approval, the following bills to wit :

“ An act to authorize school district No. 3, in the county of Dane to levy a tax to build a school house ;”

“ An act to amend an act entitled ‘ an act concerning masters in chancery.’ ” and

"An act to authorize school district No. 7, in Snake Hollow school town, in Grant county, to levy an addition tax to build a school house."

Mr. Kneeland moved to postpone the further consideration of No. 15, (C.) till the first day of April;

Which was agreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Frank, Kimball, Kneeland, Knowlton, Rountree, Moses M. Strong and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Catlin, Reed, Whiton and Wilcox,—5.

Mr. Kneeland, by leave, introduced a substitute for No. 71, (C.) "A bill concerning bridges in the city of Milwaukee;"

Which was ordered to be engrossed and read a third time.

A motion was made that the Council resolve itself into a committee of the whole on

No. 76, (C.) "A bill to authorize the collector of the town of Hudson to collect certain taxes;"

Pending which,

On motion of Mr. Baker,

No. 3, (H of R.) "A bill to change the time of holding courts in certain counties in the second judicial district;"

No. 27, (H. of R.) "A bill to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia;'"

No. 58, (C.) "A bill to increase the revenue of the Territory;"

No. 46, (C.) "A bill relating to tavern licenses,"

Were taken up and placed in their order with the general file of bills.

The following message was received from the House of Representatives by their chief clerk:

"Mr. President—The House of Representatives have passed.

No. 13, (C.) "Joint resolution relative to the Territorial Treasury and Auditors office,"

And have appointed Messrs. Sheldon and MaGone of the committee on the part of the House under the said resolution."

On motion of Mr. Kneeland,  
The Council adjourned.

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**SATURDAY, January 31, 1846.**

Council met at ten o'clock, A. M.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Mr. Catlin presented the accounts of John Myers, Mr. Rood, and Martin G. Vanbergen ;

Which were severally referred to the committee on Legislative Expenditures.

Mr. Frank presented the accounts of John Y. Smith, Loring Guild, and Philo White ;

Which were severally referred to the committee on Legislative Expenditures.

Mr. Reed presented the account of Wm. A. Barstow ;

Which was referred to the committee on Legislative Expenditures.

Mr. Baker presented the account of Simeon Mills ;

Which was referred to the committee on Territorial Expenditures.

Mr. Wilcox introduced

No. 27, (C.) "Resolution relative to a Light House on Grassy Island, near the mouth of Fox river ;"

Which was read the first and second times, and

On motion of Mr. Wilcox,

All rules were suspended with regard to this resolution, and it was read a third time now, passed, and the title thereof agreed to.

No. 9, (H. of R.) "Joint resolution in relation to canal funds,"

Was read the first and second times.

Moses M. Strong moved to refer this resolution to the committee on Territorial Affairs ;

Which was agreed to.

Mr. Reed, from the committee on Engrossed Bills, reports the following memorial, resolution and bills as correctly engrossed :

No. 9, (C.) " Memorial to Congress, asking appropriations for roads ;"

No. 12, (C.) " Joint resolution providing for the payment to William W. Brown out of the canal funds the sum therein mentioned ;"

No. 74, (C.) A bill to incorporate the Rochester Cemetery Company ;"

No. 79 (C.) " A bill making appropriations out of the Territorial Treasury to pay certain debts therein named ;"

No. 84, (C.) " A bill to pay to the county of Iowa the sum therein named ;"

No. 86, (C.) " A bill relating to certain streets in the city of Milwaukee ;"

No. 87, (C.) " A bill to amend an act entitled ' an act to incorporate the city of Milwaukee ;' "

No. 90, (C.) " A bill to provide for the payment of the claims of Edward V. Whiton against the Territory,"

No. 91, (C.) " A bill to vacate the town plat of the City of the Second Lake ;"

No. 92, (C.) " A bill to exempt firemen from certain liabilities."

The amendments of the House of Representatives to

No. 31, (C.) " A bill to authorize certain counties to levy a special tax ;"

Were taken up, considered and concurred in.

No. 33, (H. of R.) " A bill to incorporate the Lisbon and Milwaukee Plank Road Company,"

Was read the third time, passed, and the title thereof agreed to.

No. 56, (H. of R.) " A bill to provide for a superintendent of common schools ;"

Was read a first and second times.

Mr. Whiton, from the committee on Enrolled Bills, reported the following as correctly enrolled :

“ An act to incorporate the city of Milwaukee ;”

“ Resolution providing for the final settlement of the claim of Daniel Baxter ;”

“ An act to vacate part of Second street, in the town of Potosi, in the county of Grant, and for other purposes ;”

“ An act to amend an act entitled ‘ an act to incorporate the village of Fairplay, approved February 24, 1843 ;’ ”

“ An act to provide for the paying the Adjutant General of the Militia for his former services and disbursements.”

The following resolution, memorial and bills, to wit :

No. 12, (C.) “ Joint Resolution providing for the payment of William W. Brown out of the canal funds the sum therein mentioned ;”

No. 9, (C.) “ Memorial to Congress asking for appropriations for roads ;”

No. 74, (C.) “ A bill to incorporate the Rochester Cemetery Company ;”

No. 79, (C.) “ A bill making appropriations out of the territorial Treasury to pay certain debts therein named ;”

No. 84, (C.) “ A bill to pay to the county of Iowa the sum therein named ;”

No. 86, (C.) “ A bill relating to certain streets in the city of Milwaukee ;”

No. 90, (C.) “ A bill to provide for the payment of the claims of Edward V. Whiton against the Territory ,”

No. 91, (C.) “ A bill to vacate the town plat of the City of the Second Lake ;”

No. 92, (C.) “ A bill to exempt firemen from certain liabilities,”

Were each severally read a third time, passed, and the titles thereof agreed to.

No. 87, (C.) “ A bill to amend an act entitled ‘ an act to incorporate the city of Milwaukee,’ ”

Being under consideration,

Mr. Catlin moved to fill the blank in the section with the words “ thirty-first ;”

Which was agreed to ; and

On motion of Mr. Knowlton,

This bill was referred to the committee on Territorial Affairs.

No. 27, (H. of R.) "A bill to repeal certain acts therein named, and to revive the act of the revised statutes entitled 'an act relating to the militia;'"

Being under consideration,

And the question being on agreeing to the amendments as reported by the committee of the whole;

Moses M. Strong moved to amend the amendments by striking out the word "company;"

Which was not agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Knowlton, Moses M. Strong and Wilcox—6.

Those who voted in the negative were,

Messrs. Frank, Kimball, Reed, Rountree, Whiton and Dewey, (President,)—6.

And the question recurring,

"Will the Council agree to the amendments as reported by the committee of the whole?"

It was determined in the negative,

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Frank, Kimball, Reed, Rountree, Whiton and Dewey, (President,)—6.

Those who voted in the negative were,

Messrs. Baker, Catlin, Kneeland, Knowlton, Moses M. Strong and Wilcox,—6.

And the question being,

"Shall this bill be read a third time?"

It was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Knowlton, Moses M. Strong, and Wilcox,—6.

Those who voted in the negative were,

Messrs. Frank, Kimball, Reed, Rountree, Whiton and Dewey, (President,)—6.

And the bill was rejected.

A message was received from the House of Representatives as follows :

" Mr. President—The House of Representatives have passed

No. 45, (H. of R.) " A bill to amend the several acts of this Territory concerning the Supreme and District Courts ;"

No. 67, (C.) " A bill to organize certain towns in Jefferson county ;"

No. 68, (C.) " A bill fixing the salaries of the Auditor and Treasurer of the Territory ;"

The last with an amendment, and

No. 57, (H. of R.) " A bill defining the time for taking appeals from the vote of school district meetings, and for other purposes ;"

No. 66, (H. of R.) " A bill to amend an act entitled ' an act to incorporate the town of Potosi ;' "

No. 43, (H. of R.) " A bill to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties ;"

No. 59, (H. of R.) " A bill to authorize school district No. 2, in Sheboygan county, to levy a tax for finishing a school House ;"

No. 54, (C.) " A Bill to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin ;"

With amendments,

In all of which the concurrence of this House is requested.

I am directed to present for the signature of the President,

" An act to vacate part of Second street in the town of Potosi, in the county of Grant, and for other purposes ;"

" An act to amend an act entitled ' an act to incorporate the village of Fairplay, approved February 24, 1845. ' "

" An act to provide for paying the Adjutant General of the militia for his former services and disbursements ;"

" Resolution providing for a final settlement of the claims of Daniel Baxter ;" and

" An act to incorporate the city of Milwaukee ;"

Which have been signed by the Speaker of the House of Representatives.

The House of Representatives have also passed

No. 63, (C.) "A bill to provide for the payment of J. Gillett Knapp's account against the Territory."

The President signed the several acts presented with said message.

No. 54, (H. of R.) "A bill to amend an act entitled 'an act to provide for the government of the several towns in this Territory, for the revision of county government, and for other purposes;'"

Being under consideration,

And the question recurring on the motion of Mr. Whiton to strike out the 2d section ;

Mr. Baker presented a memorial of Thomas D. Grant and others, on the subject of an election at Whitewater, in the county of Walworth ;

Which was read.

And the question then being,

"Will the Council agree to strike out the second section?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Kneeland, Reed, Rountree, Whiton, Wilcox and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Knowlton and Moses M. Strong,—5.

Mr. Kneeland moved to amend the bill by striking out the last six words, and insert "as now provided by law ;"

Which was agreed to.

Mr. Baker moved to amend the bill by striking out in the first section the words "the setting of the sun," and insert "six o'clock P. M. ;"

Which was disagreed to.

And the bill, as amended, was agreed to, and ordered to be read a third time.

A message was received from the House of Representatives as follows :

"Mr. President—The House of Representatives have non-concurred in the amendments of the Council to



No. 5, (H. of R.) "Resolution instructing the Attorney General to commence legal proceedings against the Wisconsin Marine and Fire Insurance Company."

And have passed

No. 52, (C.) "A bill to change the form of government of the county of Dane;"

With amendments;

In which the concurrence of this House is requested."

The amendments of the House of Representatives to

No. 52, (C.) "A bill to change the form of government of the county of Dane,"

Being under consideration,

Mr. Catlin moved that the Council concur in the first amendment;

It was agreed to.

Mr. Catlin also moved that the Council disagree to all the other amendments;

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kneeland, Knowlton, Moses M. Strong, Wilcox and Dewey, (President,)—6.

Those who voted in the negative were,

Messrs. Baker, Kimball, Reed, Rountree and Whiton,—5.

Mr. Whiton, from the joint committee on Enrolled Bills, reported as correctly enrolled,

"An act to divide the county of Iowa and establish the counties of La Fayette and Montgomery;"

"An act to incorporate Carroll College;"

"An act to provide for a division of the county of Milwaukee;" and

"An act to provide for the improvement of the Grant river, at Potosi, in Grant county."

The following bills, from the House of Representatives,

No. 57, (H. of R.) "A bill defining the time for taking appeals from the vote of school meetings, and for other purposes;"

No. 32, (H. of R.) "A bill to amend an act entitled 'an act to incorporate the town of Platteville;'"

No. 59, (H. of R.) "A bill to authorize school district No. 2, in Sheboygan county, to levy a tax for finishing a school house;" and

No. 43, (H. of R.) "A bill to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties;"

Were severally read the first and second times.

The amendments of the Council to

No. 5, (H. of R.) "Resolution instructing the Attorney General to commence legal proceedings against the Wisconsin Marine and Fire Insurance Company,"

Non-concurred in by the House of Representatives,

Being under consideration,

Moses M. Strong moved that the Council do insist on their amendments;

Which was agreed to,

The amendments of the House of Representatives to

No. 68, (C.) "A bill fixing the salary of the Auditor of the Territory;"

Were considered and agreed to.

No. 45, (H. of R.) "A bill to amend the several acts of this Territory concerning the supreme and district courts,"

Was read the first and second times, and

On motion of Mr. Baker,

The bill was referred to the committee on the Judiciary.

The amendments of the House of Representatives to

No. 55, (C.) "A bill to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin,"

Were severally read and concurred in.

Mr. Whiton moved to re-consider the vote by which the Council refused to order

No. 89, (C.) "A bill to amend an act entitled 'an act to provide for the payment to the county of Dane the sum therein mentioned,' approved Feb. 22, 1845,"

To be engrossed and read the third time;

Which was agreed to.

Moses M. Strong moved sundry amendments to the bill;

Which were severally concurred in.

And the question being,

"Shall this bill, as amended, be engrossed and read a third time?"

It was decided in the affirmative.

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed, Rountree, Moses M. Strong, Whiton and Wilcox,—10.

Those who voted in the negative were,

Messrs. Knowlton and Dewey, (President,)—2.

Messrs. Rountree and Frank were appointed a joint select committee on the part of the Council, on

No. 13, (C.) "Joint resolution relative to territorial treasury and Auditor's office."

A message was received from the House of Representatives, as follows:

"Mr. President—The House of Representatives have passed

No. 52, (H. of R.) "A bill to authorize Jemison Hamilton to build a bridge across the Pecatonica river, at New Bedford;"

No. 61, (H. of R.) "A bill in relation to the election district composed of Milwaukee and Washington counties;" and

No. 58, "A bill regulating the mode of granting licenses to sell ardent spirits;"

In which the concurrence of this House is requested.

And have concurred in the amendment of the Council to

No. 33, (H. of R.) "A bill to incorporate the Lisbon and Milwaukee Plank Road Company."

And have receded from their amendments to

No. 52, (C.) "A bill to change the form of government in the county of Dane."

I am directed to present for the signature of the President,

"An act to divide the county of Iowa and establish the counties of La Fayette and Montgomery;"

"An act to incorporate Carroll College;" and

"An act to provide for the improvement of Grant river, at Potosi, in Grant county;"

Which have been signed by the Speaker of the House of Representatives."

The President signed the acts presented to him with said message.

On motion of Moses M. Strong,  
The Council adjourned until half past two o'clock, P. M.

### HALF PAST TWO O'CLOCK, P. M.

The Council met pursuant to adjournment; when

The President announced

No. 80, (C.) "A bill in relation to certain territorial bonds,"

To be under consideration, and the question to be,

"Shall this bill be engrossed and read a third time?"

It was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Rountree, Whiton, Wilcox and Dewey, (President),—6.

Mr. Catlin, from the committee on Enrolled Bills, reported the following:

The joint committee on Enrollment report that they did, on this day, to wit. the 31st day of January, A. D. 1846, present the following bills and resolution to the Governor for his approval, to wit:

"A bill to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant;"

"An act granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi river at Potosi;"

"An act in relation to the formation of a State Government in Wisconsin;"

"An act to authorize school district No. 1, in Platteville school district to build a school house,"

"An act to authorize school district No. 1, in the town of Rochester, to levy a tax ;" and

"Resolution for the appointment of a committee to examine the Bank of Mineral Point."

And the following :

The joint committee on Enrollment report that they did, on this day, to wit : the 31st of January, A. D. 1846, present the following bills to the Governor for his approval, to wit :

"An act to incorporate Carroll College ;"

"An act to divide the county of Iowa and establish the counties of La Fayette and Montgomery ;"

"An act to provide for a division of the county of Milwaukee ;" and

"An act to provide for the improvement of the Grant river, at Potosi, in Grant county."

Also reported as follows :

The joint committee on Enrollment report, that they did on this day, to wit. the 31st day of January, A. D. 1846, present to the Governor for his approval, the following bills and resolution, to wit:

"An act to incorporate the city of Milwaukee ;"

"An act to amend an act entitled 'an act to incorporate the village of Fairplay, approved February 24, 1845.' "

"An act to provide for paying the Adjutant General of the militia for his former services and disbursements ;"

"An act to vacate part of Second street in the town of Potosi, in the county of Grant, and for other purposes ;" and

"Resolution providing for a final settlement of the claims of Daniel Baxter."

Mr. Catlin, on leave, presented a remonstrance of inhabitants of Jefferson county against any division of said county;

Which was, on his motion, laid on the table.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 89, (C.) "A bill to amend an act entitled 'an act to provide for the payment to the county of Dane the sum therein mentioned,' approved Feb. 22, 1845 ;"

And moved that the rules which prohibited the said bill being read a third time then, be suspended ;

Which was agreed to.

And the bill was then read the third time, passed, and the title thereof agreed to.

The following message was received from His Excellency, the Governor, by G. P. Delaplaine, Esq., his private secretary :

“ Mr. President—I am directed by the Governor to inform you that he did on this day approve, sign, and deposite in the office of the Secretary of the Territory :

“ An act in relation to the formation of a State Government in Wisconsin ;”

“ An act granting to James F. Chapman the right to keep and maintain a ferry across the Mississippi river, at Potosi ;”

“ An act to authorize school district No. 1, in the town of Rochester to levy a tax ;”

“ An act to authorize school district No. 1, in Platteville school district, to build a school house ;”

“ An act to incorporate Carroll College ;” and

“ Resolution providing for the final settlement of the claim of Daniel Baxter.”

No. 46, (C.) “ A bill relating to tavern licenses,”

Was taken up ; when

Moses M. Strong moved to lay the bill on the table ;

Which was disagreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Knowlton, Reed and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Rountree, Whiton, Wilcox and Dewey, (President,)—6.

Mr. Knowlton moved to amend the bill as follows :

Add the following after the word “ groceries :” “ And any person may also sell such liquors in larger quantities than one quart, after obtaining a tavern or grocery license agreeable to this act ;”

Which was disagreed to.

The question then being,

" Shall this bill be engrossed and read the third time ?"

It was decided in the negative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Rountree, Whiton and Wilcox,—5.

Those who voted in the negative were,

Messrs. Catlin, Kimball, Kneeland, Knowlton, Reed, Moses M. Strong and Dewey, (President),—7.

Mr. Catlin presented, by leave, sundry post office accounts against the Territory ;

Which was referred to the committee on Legislative Expenditures.

Mr. Baker presented the account of S. M. Van Bergen against the Territory, for wood ;

Which was referred to the same committee.

No. 58, (C.) " A bill to increase the revenue of the Territory ;"

Was taken up ; when

Mr. Kneeland moved to strike out the words " three mills," in the first section, and insert in the place thereof, " two and a half mills ;"

Which was disagreed to.

And the question being,

" Shall this bill be engrossed and read a third time ?"

It was decided in the affirmative.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Moses M. Strong, Whiton and Wilcox—7.

Those who voted in the negative were,

Messrs. Catlin, Knowlton, Reed, Rountree and Dewey, (President),—5.

No. 3, (H. of R.) " A bill to change the time of holding courts in certain counties in the 2d judicial district ;"

Was taken up.

Mr. Catlin moved to amend the bill as follows :

Insert in the 6th line of the first section, the words " 3d Monday in," before the word " October."

Strike out in the 6th and 7th lines of the 1st section, the

words "2d Monday in August and February," and insert the following words in lieu thereof: "Second Monday in September ;"

Which were concurred in.

The following message was received from the House of Representatives by their chief clerk :

"Mr. President—The House of Representatives have passed

No. 62, (C.) "A bill to provide for the payment of Horatio N. Wells' account against the Territory,"

No. 60, (H. of R.) "A bill to provide for the laying out of the territorial roads therein mentioned ;"

No. 5, (H. of H.) "A memorial to Congress on the subject of the reserved mineral lands ;"

No. 7, (C.) "A bill relating to a bridge in the city of Milwaukee;" and

No. 13, (C.) "A bill to incorporate the village of Madison;"

The two last with amendments.

In all of which the concurrence of this House is requested."

The question then being on ordering bill No. 3, (H. of R.) to be read a third time ;

It was decided in the negative.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Catlin, Moses M. Strong, Wilcox and Dewey, (President,)—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree and Whiton,—8.

So the bill was rejected.

No. 35, (C.) "A bill to incorporate the village of Sheboygan,"

Was then taken up,

And the amendments of the House were severally concurred in by the Council.

No. 30, (H. of R.) "A bill regulating the mode of granting licenses to sell ardent spirits,"

Was taken up ; when



Moses M. Strong moved to refer the bill to the committee on Internal Improvements ;"

Which was disagreed to.

Mr. Kneeland moved to refer the same to the committee on Territorial Affairs ;

Which was disagreed to.

The bill was then read the first and second times.

No. 52, (H. of R.) " A bill to authorize Jemison Hamilton to build a bridge across the Pecatonica river at New Bedford ;"

No. 61, (H. of R.) " A bill in relation to the election district composed of Milwaukee and Washington counties ;" and

No. 5, (H. of R.) " A memorial to Congress on the subject of the reserved mineral lands ;"

Were taken up, and severally read the first and second times.

No. 71, (C.) " A bill concerning bridges in the city of Milwaukee,"

Was taken up ;

And the amendments of the House were concurred in.

The message of the House being disposed of,

The Council then resolved itself into a committee of the whole on

No. 56, (H. of R.) " A bill to provide for a superintendent of common schools ;"

Mr. Rountree in the chair.

And after some time spent therein, the committee rose, and by their chairman reported said bill with amendments ;

And the question being put,

The amendments of the committee of the whole were non-concurred in.

A call of the House was demanded.

Mr. Reed was absent.

The absentee being declared present,

And the question then being,

" Shall this bill be read a third time ?"

It was determined in the negative

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank and Moses M. Strong,—3.

Those who voted in the negative were,

Messrs. Catlin, Kimball, Kneeland, Reed, Rountree, Whiton and Dewey, (President,)—7.

On motion of Mr. Knowlton,

Council adjourned until 7 o'clock P. M.

### SEVEN O'CLOCK, P. M.

The Council met ; when the President announced that progress had been made in committee of the whole, and leave had to sit again on

No. 53, (H. of R.) "A bill to incorporate certain towns therein named ;"

No. 77, (C.) "A bill repealing an act which vacated an alley in Southport ;"

No. 83, (C.) "A bill to incorporate the Milwaukee, Janesville and Mississippi Rail Road Company ;"

No. 82, (C.) "A bill to incorporate the Sheboygan and Mississippi Rail Road Company;" and

No. 81, (C.) "A bill to incorporate the Milwaukee, Madison and Mississippi Rail Road Company;"

No. 16, (C.) "A bill to provide for the redemption of real estate sold under a decree in chancery."

Mr. Kneeland, by leave, introduced

No. 93, (C) "A bill in relation to common schools in the city of Milwaukee;"

And, on his motion, the rule requiring the same to be printed was suspended.

The Council then resolved itself into a committee of the whole on the above bills ;

Mr. Reed in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

Bills Nos. 81, 82, 83, (C.) and 53, (H. of R) with amendments ; and

Bills Nos. 77 and 16 (C.) without amendment.

The amendments of the committee of the whole to Nos. 81, 82 and 83 were severally concurred in by the Council ; and

Nos. 81, 82, 83 and 77 (C.) were ordered to be engrossed and read a third time.

On the question, "Shall No. 16, (C.) be engrossed and read a third time ?"

The ayes and noes were demanded ;

Which resulted as follows :

Those who voted in the affirmative were,

Messrs. Kimball, Reed, Moses M. Strong and Wilcox,—4.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Kneeland, Knowlton, Rountree, Whiton and Dewey, (President,)—8.

So the bill was rejected.

Mr. Kneeland moved to amend the report of the committee of the whole to No. 53, (H. of R.) by striking out the word "Whiton," and insert the word "Tuttle ;"

Which was agreed to.

And the report of the committee of the whole was then agreed to.

The bill was then ordered to be read and was read a third time, and passed ; when

On motion of Mr. Kneeland,

The word "incorporate," in the title thereof, was stricken out, and the word "organize" substituted in lieu thereof ;

And the title thereof, as amended, was agreed to.

Moses M. Strong, under instructions of the committee on Engrossed Bills, and by leave, reported No. 77, (C.) as correctly engrossed, and on his motion, the rules were suspended, and the bill was then read a third time, passed, and the title thereof agreed to.

Mr. Baker, from the committee on Territorial Affairs, to whom had been referred

No. 87, (C.) "A bill to amend an act entitled 'an act to incorporate the city of Milwaukee ;'"

By leave, reported the same back with an amendment, and asked the concurrence of the Council therein.

No. 54, (H. of R.) "A bill to amend an act entitled 'an act

to provide for the government of the several towns in this Territory, for the revision of county government, and for other purposes;”

Was then taken up, passed, and the title thereof agreed to.

The following message was received from the House of Representatives by their chief clerk:

“Mr. President—The House of Representatives have passed

No. 8, (C.) “A memorial to the Congress of the United States relative to a road from Prairie du Chien to La Pointe;”

No. 26, (C.) “A bill authorizing proceedings in chancery against corporations;”

No. 86, (C.) “A bill relating to certain streets in the city of Milwaukee;”

No. 42, (C.) “A bill relating to the county of St. Croix;” and

No. 40, (C.) “A bill to provide for laying out certain territorial roads therein named;”

The two last with amendments;

In which the concurrence of this House is requested.

On motion of Moses M. Strong,

The Council resolved itself into a committee of the whole on all bills ready therefor;

Moses M. Strong in the chair.

And after some time spent therein, the committee rose, and by their chairman reported that the committee of the whole had had under consideration,

No. 93, (C.) “A bill in relation to common schools in the city of Milwaukee;”

No. 66, (H. of R.) “A bill to amend an act entitled ‘an act to incorporate the town of Platteville;’”

No. 61, (H. of R.) “A bill in relation to the election district composed of Milwaukee and Washington counties;”

No. 58, (H. of R.) “A bill regulating the mode of granting licenses to sell ardent spirits;”

No. 59, (H. of R.) “A bill to authorize school district No. 2, in Sheboygan county, to levy a tax for finishing a school House;”

No. 52, (H. of R.) “A bill to authorize Jemison Hamil-

ton to build a bridge across the Pecatonica river, at New Bedford ;"

No. 60, (H. of R.) "A bill to provide for the laying out of the territorial roads therein named ;" and

No. 5, (H. of R.) "A memorial to Congress on the subject of the reserved mineral lands ;"

And reported the same back with amendment ; and

No. 14, (C.) "Resolution relative to the offices of the Auditor and Treasurer of the Territory ;"

No. 78, (C.) "A bill for the relief of the stockholders of the Wisconsin Marine and Fire Insurance Company ;"

No. 43, (H. of R.) "A bill to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties ;"

With amendments, and ask the concurrence of the Council therein.

Also reported

No. 57, (H. of R.) "A bill defining the time for taking appeals from the vote of school meetings, and for other purposes ;"

Without amendment.

Mr. Rountree then offered the following amendment to said bill :

"Add a new section as follows :

Sec. That so much of any law of this Territory as authorizes the collector of taxes of any county, to receive five per cent. for advertising lands to be sold for taxes, is hereby repealed, and hereafter no charge shall be allowed unless the lands are sold for taxes ;"

Which was concurred in.

The bill was then ordered to be read and was read a third time, passed, and the title thereof agreed to.

Mr. Reed moved to postpone the further consideration of No. 61, (H. of R.) until Monday ;

Which was agreed to.

Resolution No. 14, (C.) was ordered to be engrossed and read a third time ; Also,

Nos. 66, 59, 52, and 60, (H of R.) and memorial No. 5, (H. of R.)

Were severally ordered to be read and were read a third time, passed, and the titles thereof agreed to.

No. 93, (C.) was ordered to be engrossed and read a third time.

The amendments of the committee of the whole to No. 78, (C.) were non-concurred in.

And the bill was ordered to be engrossed and read the third time.

The amendments of the committee to No. 43, (H. of R.) were concurred in.

And the said bill was ordered to be read a third time.

And the ayes and noes having been called for, were as follows :

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Moses M. Strong, Wilcox and Dewey, (President,) —10.

Those who voted in the negative were,

Messrs. Catlin and Whiton,—2.

The bill was then read a third time ;

And the question being,

“Shall this bill pass ?”

It was decided in the affirmative.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Knowlton, Reed, Rountree, Moses M. Strong and Dewey, (President,) —9.

Those who voted in the negative were,

Messrs. Catlin, Whiton and Wilcox—3.

On the question,

“ Shall No. 58, (H. of R.) be read a third time ?”

The ayes and noes were demanded,

Which were as follows :

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kneeland, Rountree, Whiton and Wilcox,—6.

Those who voted in the negative were,

Messrs. Catlin, Kimball, Knowlton, Reed, Moses M. Strong and Dewey, (President,)—6.

So the bill was rejected.

Moses M. Strong, from the committee on Engrossed Bills, and by leave, reported

No. 14, (C.) "Resolution relative to the offices of the Auditor and Treasurer of the Territory,"

As correctly engrossed;

Which was then read a third time;

And the question being,

"Shall the resolution pass?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kneeland, Rountree, Moses M. Strong, Whiton, Wilcox and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Kimball, Knowlton and Reed,—5.

Moses M. Strong moved that the Secretary be instructed to request the House of Representatives to return to the Council for their further consideration,

No. 27, (H. of R.) "A bill to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia;'"

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Knowlton, Moses M. Strong and Wilcox,—6.

Those who voted in the negative were,

Messrs. Frank, Kimball, Reed, Rountree, Whiton and Dewey, (President,)—6.

Mr. Reed, by leave, presented the account of John A. Brown against the Territory, for papers furnished the present Legislature;

Which was referred to the committee on Legislative Expenditures.

Also, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 58, (C.) "A bill to increase the revenue of the Territory."

Mr. Baker, by leave, introduced

No. 15, (C.) "Joint resolution relative to issuing certificates to the members of the Convention, and for other purposes;"

Which was read the first and second times.

No. 42, (C.) "A bill relating to the county of St. Croix,"

Was taken up.

The amendments of the House of Representatives thereto were concurred in.

Moses M. Strong moved that the rules be suspended, and that No. 58, (C.) be read a third time now;

Which was disagreed to; when,

On motion of Mr. Knowlton,

The Council adjourned.

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### MONDAY, February 2, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Mr. Whiton, from the joint committee on Enrolled Bills, reported as correctly enrolled,

"An act to incorporate the town of Potosi;"

"An act to provide for the payment of Horatio N. Wells' account against the Territory;"

"An act to incorporate Beloit College;"

"An act to incorporate the Lisbon and Milwaukee Plank Road Company;"

"An act to amend an act entitled 'an act to provide for the government of the several towns in this Territory, and for the revision of county government, and for other purposes;'"



"An act to authorize certain counties to levy a special tax ;"

"An act to change the form of government of the county of Dane ;"

"An act to provide for the payment of the account of J. Gillett Knapp against the Territory ;"

"An act fixing the salaries of the Auditor and Treasurer of the Territory ;"

"An act relating to certain streets in the city of Milwaukee ;"

"An act relating to bridges in the city of Milwaukee ;"

"An act to provide for the payment of the claim of Edward V. Whiton against the Territory ;"

"An act authorizing proceedings in chancery against corporations ;"

"An act to organize certain towns in Jefferson county ;"  
and

"A memorial to the Congress of the United States relative to a road from Prairie Du Chien to La Pointe."

Mr. Strong offered the following resolution :

*Resolved*, That the Superintendent of Territorial Property be authorized to permit the Council Chamber to be used for divine service on Sundays, during the recess of the Legislature ;

Which was not agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kneeland, Moses M. Strong and Wilcox,—5.

Those who voted in the negative were,

Messrs. Frank, Kimball, Knowlton, Whiton and Dewey, (President,)—5.

On motion of Moses M. Strong,

A call of the House was ordered, and the Sergeant-at-Arms sent for the absentees, and he reported Messrs. Marshall M. Strong and Rountree absent.

Moses M. Strong moved that Marshall M. Strong be excused for the rest of the session ;

Which was agreed to.

Mr. Catlin moved that Mr. Rountree be excused for the rest of the session ;

Which was agreed to.

Mr. Baker, from the committee on the Judiciary, to whom had been referred

~ Petition of Charles J. Bennett, and others, to exempt members of fire companies from certain duties ;

Petition of Wardens and Vestrymen of St. Paul's church, Milwaukee, for an act of incorporation ;

Petition of inhabitants of the town of Salem, to repeal so much of the general election law as prohibits colored persons from exercising the right of suffrage ;"

Communication of A. Hyatt Smith, Attorney General, in relation to the estate of James T. Watson, alleged to be escheated ;"

" Memorial of John Anderson, relative to his claim against the Territory for building a dam across the Milwaukee and Rock River Canal ;"

Asked leave that the committee be discharged from the further consideration of the subjects ;

Which was agreed to.

Mr. Baker, from the committee on Territorial Affairs, to whom had been referred

No. 9, (H. of R.) " Joint resolution in relation to canal funds ,"

Made a report, which was laid on the table.

Moses M. Strong moved to suspend all rules with regard to the engrossing the following bills :

No. 81, (C.) " A bill to incorporate the Milwaukee, Madison and Mississippi Rail Road Company ;"

No. 82, (C.) " A bill to incorporate the Sheboygan and Mississippi Rail Road Company ;" and

No. 83, (C.) " A bill to incorporate the Milwaukee, Janesville and Mississippi Rail Road Company ;"

And that the same be now read a third time.

Which was disagreed to ;

And the said bills were severally read a third time, passed, and the titles thereof agreed to.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed :

No. 93, (C.) " A bill in relation to common schools in the city of Milwaukee ;"

Which was read a third time, passed, and the title agreed to.

On motion of Mr. Baker,

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Council

No. 3, (H of R.) " A bill to change the time of holding courts in certain counties in the second judicial district ;"

Which was adopted.

The amendments of the House of Representatives to

No. 66, (C.) " A bill to incorporate the village of Prairieville ;" and

No. 12, (C.) " Joint resolution instructing the Superintendent of Territorial Property to perform certain duties ;"

Were severally read and concurred in.

The amendments of the House of Representatives to

No. 79, (C.) " A bill making appropriations out of the territorial treasury to pay certain debts therein named ;"

Being under consideration,

Mr. Catlin moved to amend the first amendment ;

Which was agreed to.

And the amendment, as amended, was agreed to.

The second amendment was also concurred in.

No. 58, (C.) " A bill to increase the revenue of the Territory ;"

Was read a third time, and the further consideration of the same was postponed for the present.

A message was received from the House of Representatives as follows :

" Mr. President—The House of Representatives have passed

No. 90, (C.) " A bill to provide for the payment of the claims of Edward V. Whiton against the Territory ,"

No. 60, (C.) " A bill to authorize school district No. 3, in the school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house ;"

No. 24, (C.) "A bill to provide for and regulating the action of replevin before justices of the peace ;"

No. 74, (C.) "A bill to incorporate the Rochester Cemetery Company ;"

No. 38, (C.) "A bill to authorize religious societies to lease or sell their real estate ;"

No. 16, (C.) "Resolution concerning a light house on Grassy Island, near the mouth of Fox river ;"

No. 12, (C.) "Joint resolution instructing the Superintendent of Territorial Property to perform certain duties ;"

No. 79 (C.) "A bill making appropriations out of the Territorial Treasury to pay certain debts therein named ;" and

No. 66, (C.) "A bill to incorporate the village of Prairieville ;"

The three last with amendments ;

In which the concurrence of this House is requested.

And have concurred in the amendments of the Council to

No. 53, (H. of R.) "A bill to organize certain towns therein named ;"

No. 54, (H. of R.) "A bill to amend an act entitled ' an act to provide for the government of the several towns in this Territory, for the revision of county government, and for other purposes ;' and have indefinitely postponed

No. 19, (C.) "A bill to incorporate the Rock River Mutual Fire Insurance Company."

The Governor has notified the House of Representatives that he did on the 31st ultimo, approve sign and deposite in the office of the Secretary of the Territory,

"An act to incorporate the city of Milwaukee ;"

"An act to provide for paying the Adjutant General of the militia for his former services and disbursements ;"

"An act to amend an act entitled ' an act to incorporate the village of Fairplay, approved February 24, 1845 ;' "

"An act to vacate part of Second street, in the town of Potosi, in the county of Grant, and for other purposes ;"

"An act to authorize school district No. 5, in the town of Elkhorn, Walworth county, to renew a tax warrant ;"

"An act to provide for a division of the county of Milwaukee ;"

"An act to divide the county of Iowa and establish the counties of La Fayette and Montgomery ;"

"An act to provide for the improvement of Grant river, at Potosi, in Grant county ;" and

"Resolution for the appointment of a committee to examine the Bank of Mineral Point."

Mr. Catlin was appointed on the joint committee on

No. 13, (C.) "Joint resolution relative to territorial treasury and Auditor's office,"

In the place of Mr. Rountree.

On motion of Mr. Knowlton, .

The farther consideration of

No. 9, (H. of R.) "Joint resolution in relation to canal funds,"

Was postponed for the present.

No. 87, (C.) "A bill to amend an act entitled 'an act to incorporate the city of Milwaukee,'"

Reported with amendments by the committee of the whole,

Was read a second time.

No. 53, (C.) "A bill relative to billiard tables and nine-pin alleys,"

Being under consideration,

Moses M. Strong moved to strike out all after the enacting clause ;

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Knowlton, Reed, and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Whiton, Wilcox and Dewey, (President,)—5.

Moses M. Strong moved to lay the bill on the table ;

Which was agreed to.

A message was received from the House of Representatives as follows :

"Mr. President—The House of Representatives have passed

No. 12, (C.) "Joint resolution providing for the payment to

William W. Brown out of the canal funds the sum therein named ;”

No. 50, (C.) “ A bill to vacate certain streets in the village of Geneva ;”

No. 76, (C.) “ A bill to authorize the collector of the town of Hudson to collect certain taxes ;”

No. 8, (C.) “ Resolution relative to the extinguishment of the Indian title to the lands north of the Fox river ;”

No. 11, (C.) “ Joint resolution instructing the Attorney General to collect certain delinquent taxes ;”

No. 77, (C.) “ A bill repealing an act which vacated an alley in Southport ;”

No. 89, (C.) “ A bill to amend an act entitled ‘ an act to provide for the payment to the county of Dane the sum therein mentioned,’ approved Feb. 22, 1845,”

No. 73, (C.) “ A bill to authorize school district No. 16, in Dane county, to levy a tax to build a school house ;”

No. 61, (C.) “ A bill to amend an act entitled ‘ an act to incorporate the Madison Academy ;”

No. 75, (C.) “ A bill to pay Moses M. Strong the sum therein mentioned ;”

No. 70, (C.) “ A bill relative to the support of the poor in Racine county ;”

No. 51, (C.) “ A bill to provide for the payment to John Catlin of interest on certain liquidated territorial bonds ;”

The three last with amendments,

In all of which the concurrence of this House is requested.

The House of Representatives have negatived,

No. 6, (C.) “ Memorial to Congress on the subject of harbors on Lake Michigan,”

By refusing to order the same to a third reading.

I am directed to return to the Council for their further action

No. 3, (H. of R.) “ A bill to change the time of holding courts in certain counties in the second judicial district ;”

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 78, (C.) “ A bill for the relief of the stockholders of the Wisconsin Marine and Fire Insurance Company ;”

And the bill was read the third time, passed, and the title agreed to.

The amendments of the House of Representatives to No. 84, (C.) "A bill to pay the county of Iowa the sum therein named ;"

Were considered and concurred in.

Mr. Baker moved to reconsider the vote by which

No. 3, (H. of R.) "A bill to change the time of holding courts in certain counties in the second judicial district,"

Had been rejected ;

Which was agreed to.

And the question recurring,

"Shall this bill be read a third time ?"

It was agreed to.

And the said bill was read a third time, passed, and the title thereof agreed to.

A message was received from the House of Representatives, as follows :

"Mr. President—I am directed to present for the signature of the President ;

"An act relating to bridges in the city of Milwaukee ;"

"An act to organize certain towns in Jefferson county ;"

"An act to incorporate Beloit College ;"

"An act to authorize certain counties to levy a special tax ;"

"An act to provide for the payment of the account of J. Gillett Knapp against the Territory ;"

"An act fixing the salaries of the Auditor and Treasurer of the Territory ;"

"An act to incorporate the Lisbon and Milwaukee Plank Road Company ;"

"An act to amend an act entitled 'an act to provide for the government of the several towns in this Territory, and for the revision of county government, and for other purposes ;"

"An act relating to certain streets in the city of Milwaukee ;"

"An act authorizing proceedings in chancery against corporations ;"

"An act to provide for the payment of the claim of Edward V. Whiton against the Territory ;"

"A memorial to the Congress of the United States relative to a road from Prairie Du Chien to La Pointe."

"An act to provide for the payment of Horatio N. Wells' account against the Territory;"

"An act to incorporate the town of Potosi;" and

"An act to change the form of government of the county of Dane;"

Which have been signed by the Speaker of the House of Representatives."

The President signed the several acts, &c. presented with said message.

The amendments of the House of Representatives to bill

No. 51, (C.) "A bill to provide for the payment of John Catlin of interest on certain liquidated territorial bonds;" and

No. 75, (C.) "A bill to pay Moses M. Strong the sum therein named,"

Were severally considered and agreed to.

The amendments of the House of Representatives to,

No. 70, (C.) "A bill relative to the support of the poor in Racine county;"

Were read, considered and non-concurred in.

No. 61, (H. of R.) "A bill in relation to the election district composed of Milwaukee and Washington counties;"

Be re-committed to the committee of the whole;

Which was agreed to.

Mr. Reed, on leave, presented the account of Beriah Brown;

Which was referred to the committee on Legislative Expenditures.

A message was received from the Governor, submitting sundry nominations for office;

Which nominations were severally confirmed.

A message was received from the House of Representatives as follows:

"Mr. President—The House of Representatives have passed

No. 7, (H. of R.) "Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin for education purposes;"



No. 67, (H. of R.) "A bill further to prescribe the qualification of voters in Brown county ;"

No. 68, (H. of R.) "A bill to authorize school district No. 1, in the school town of Wisconsin, in Grant county, to levy an additional tax for paying a debt incurred in building a school house ;"

No. 65, (H. of R.) "A bill to amend an act entitled 'an act to provide for the selection of certain lands reserved by act of Congress for the use and support of a University in the Territory of Wisconsin ;'"

No. 51 (H. of R.) A bill to authorize Abraham Brawley to build a dam and boom across the Wisconsin river ;"

No. 9, (H. of R.) "Memorial to Congress for an appropriation for the erection of a light house on Grassy Island, near the mouth of Fox river ;"

No. 6, (H. of R.) "A memorial to Congress for an appropriation for a road from Green Bay to Fond du Lac ;"

No. 50, (H. of R.) "A bill to divide the county of Portage and organize the county of Columbia ;" and

No. 84, (C.) "A bill to pay to the county of Iowa the sum therein named ;"

The last with an amendment ;

In all of which the concurrence of this House is requested.

The Council resolved itself into a committee of the whole on

No. 9, (H. of R.) "Joint resolution in relation to canal funds."

And after some time spent therein, the committee rose, and by their chairman reported the said resolution with amendments

Which amendments were severally read and agreed to.

And the question being

"Shall this resolution be engrossed and read a third time?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Kimball, Kneeland, Knowlton Reed, Moses M. Strong, Whiton, Wilcox and Dewey, (President,)—8.

Those who voted in the negative were,

Messrs. Baker, Catlin and Frank, —3.

And the rules having been suspended for that purpose,  
The said bill was read a third time now, passed, and the title thereof agreed to.

A message was received from the House of Representatives as follows :

" Mr. President—The House of Representatives have concurred in the amendments of the Council to

No. 57, (H. of R.) " A bill defining the time for taking appeals from the vote of school meetings, and for other purposes ;"

And have receded from the last amendment and insist on the two first amendments to

No. 70, (C.) " A bill relative to the support of the poor in Racine county."

I am directed to present for the signature of the President,

" An act to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin,"

Which has been signed by the Speaker of the House of Representatives."

The President signed the act presented to him with said message.

On motion of Moses M. Strong,

The Council adjourned until half past two o'clock, P. M.

#### HALF PAST TWO O'CLOCK, P. M.

The Council met and resolved itself into a committee of the whole on the following bills and memorials:

No. 87, (C.) " A bill to amend an act entitled ' an act to incorporate the city of Milwaukee ;' "

No. 51 (H. of R.) A bill to authorize Abraham Brawley to build a dam and boom across the Wisconsin river ;"

No. 65, (H. of R.) " A bill to amend an act entitled ' an act to provide for the selection of certain lands reserved by

act of Congress for the use and support of a University in the Territory of Wisconsin ;”

No. 68, (H. of R.) “ A bill to authorize school district No. 1, in the school town of Wisconsin, in Grant county, to levy an additional tax for paying a debt incurred in building a school house ;”

No. 67, (H. of R.) “ A bill further to prescribe the qualification of voters in Brown county ;”

No. 50, (H. of R.) “ A bill to divide the county of Portage and organize the county of Columbia ;”

No. 6, (H. of R.) “ A memorial to Congress for an appropriation for a road from Manitowoc to intersect the road from Green Bay to Fond du Lac ;”

No. 7, (H. of R.) “ Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin for education purposes ;” and

No. 9, (H. of R.) “ Memorial to Congress for an appropriation for the erection of a light house on Grassy Island, near the mouth of Fox river ;”

Mr. Knowlton in the chair.

And after some time spent therein, the committee rose, and by their chairman reported bill No. 87, (C.) and bills Nos. 51, 65, 68, 67 and 50, (H. of R.) and memorials Nos. 6 and 9, (H. of R.) without amendments; and

Memorial No. 7, (H. of R.) with amendment, and asked the concurrence of the Council therein.

The amendments of the committee of the whole to memorial No. 7, (H. of R.) were concurred in.

The memorial was ordered to be read a third time, was read then, passed, when

Moses M. Strong moved to amend the title thereof by striking out all after the word Congress, and insert in lieu thereof the words “ in relation to Fort Howard and Winnebago ;”

Which was agreed to.

And the title, as amended, was agreed to.

Mr. Wilcox moved to amend memorial No. 6, by inserting after the word “ Manitowoc,” “ at Du Pare ;”

Which was agreed to.

The memorial was then ordered to be read a third time, was read then, passed, and the title thereof agreed to.

On motion of Mr. Wilcox,

Memorial No. 9, (H. of H.) was laid upon the table.

Mr. Kneeland moved to amend No. 51, (H. of R.) by adding the following as a new section :

"Sec. This act may be altered, amended or repealed by any future Legislature of this Territory or future State of Wisconsin ;"

Which was agreed to.

The bill was then read a third time, passed, and the title thereof agreed to.

On motion of Mr. Wilcox,

No. 67, (H. of R.) was laid on the table.

Mr. Kneeland moved to amend No. 81, (C.) as follows:

"Strike out all after the enacting clause, and insert a new section as follows, to wit:

'Sec. 1. That at the next annual town meeting to be held in the town of Milwaukee, limited as by an act incorporating the city of Milwaukee, approved Jan. 31, 1846, shall be held at the dwelling house of Herr Alading, in the said town ;"

Which was disagreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Kneeland, Knowlton, Wilcox and Dewey, (President,)—5.

Those who voted in the negative were,

Messrs. Catlin, Frank, Kimball, Reed, Moses M. Strong and Whiton,—6.

Also moved to strike out of said bill, in the first section, the word "three," and insert the word "one," in place thereof ;

Which was disagreed to.

Mr. Reed moved to amend said bill as follows :

"Add a new section as follows :

Sec. 3. That at the next annual town meeting to be held in the town of Milwaukee, limited as by an act incorporating the city of Milwaukee, approved January 31, 1846, shall be held at the dwelling house of Herr Alading, in said town ;"

Which was agreed to.

A call of the House was demanded.

Messrs. Catlin and Baker were absent.

The absentees being declared present,

When the question was taken on ordering said bill to be engrossed and read the third time;

It was decided in the affirmative.

The following message was received from the House of Representatives by their chief clerk:

"Mr. President—The House of Representatives have passed

No. 25, (C.) "A bill to authorize certain persons to build a dam across Milwaukee river;" and

No. 16, (C.) "A bill to amend the act concerning proceedings in courts of record, and for other purposes;"

The last with amendments;

In which the concurrence of this House is requested.

And have negatived

No. 43, (C.) "A bill to change the time of holding the district court in the counties of Iowa and Crawford,"

By refusing to order said bill to a third reading.

And have passed

No. 93, (C.) "A bill in relation to common schools in the city of Milwaukee;"

No. 63, (H. of R.) "A bill to repeal the law limiting the time for the commencement of suits for the recovery of lands sold for taxes;"

No. 17, (C.) "A bill to provide means for the payment of the interest on certain liquidated territorial bonds therein named;"

No. 41, (C.) "A bill to provide for the payment of interest on certain liquidated territorial bonds;"

The two last with amendments,

In which the concurrence of this House is requested."

No. 63, (H. of R.) was then taken up, ordered to be read a third time, was read a third time, passed, and the title thereof agreed to.

No. 65, (H. of R.) was ordered to be read a third time.

Mr. Whiton, from the joint committee on Enrollment, reported as follows:

The joint committee on Enrollment report as correctly enrolled,

"An act repealing an act which vacated an alley in Southport ;"

"An act to authorize the collector of the town of Hudson to collect certain taxes ;"

"An act defining the time for taking appeals from the vote of school meetings, and for other purposes ;"

"An act to provide for and regulating the action of replevin before justices of the peace ;"

"An act relating to the county of St. Croix ;"

"An act to authorize Jemison Hamilton to build a bridge across the Pecatonica river, at New Bedford ;"

"An act to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties ;"

"An act to incorporate certain towns therein named ;"

"An act to authorize school district No. 2, in Sheboygan county, to levy a tax for finishing a school house ;"

"A memorial to Congress on the subject of the reserved mineral lands ;"

"Resolution concerning a light house at Grassy Island, near the mouth of Fox river ;" and

"Joint Resolution providing for the payment to William W. Brown out of the canal funds the sum therein named."

Mr. Catlin, from the same committee, reported as follows :

The joint committee on Enrollment report that they did, on this day, to wit. the 2d day of February, A. D. 1846, present to the Governor for his approval, the following bills and memorial, to wit :

"An act to incorporate Beloit College ;"

"An act to organize certain towns in Jefferson county ;"

"An act relating to bridges in the city of Milwaukee ;"

"An act to provide for the payment of the account of J. Gillett Knapp against the Territory ;"

"An act to authorize certain counties to levy a special tax ;"

"An act fixing the salaries of the Auditor and Treasurer of the Territory ;"

"An act to provide for the payment of Horatio N. Wells' account against the Territory;"

"An act authorizing proceedings in chancery against corporations ;"

"An act to provide for the payment of the claim of Edward V. Whiton against the Territory ;"

"An act to incorporate the town of Potosi ;"

"An act to change the form of government of the county of Dane ;"

"An act relating to certain streets in the city of Milwaukee ;"

"An act to incorporate the Lisbon and Milwaukee Plank Road Company ;"

"An act to amend an act entitled 'an act to provide for the government of the several towns in this Territory, and for the revision of county government, and for other purposes ;"

"An act to incorporate the Carrollton Manufacturing Company of Ormsbeeveville, Wisconsin ;" and

"A memorial to the Congress of the United States relative to a road from Prairie Du Chien to La Pointe."

Also, the following :

The joint committee on Enrollment report, that they did on this day, to wit. the 2d day of February, A. D. 1846, present to the Governor for his approval, the following bills and memorials, to wit :

"An act to amend an act entitled 'an act to incorporate the town of Platteville ;'"

"An act defining the time for taking appeals from the vote of school meetings, and for other purposes ;"

"An act to authorize Jemison Hamilton to build a bridge across the Pecatonica river at New Bedford ;"

"An act to authorize school district No. 2, in Sheboygan county, to levy a tax for finishing a school house ;"

"An act to organize certain towns therein named."

"An act to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties ;"

"An act to provide for and regulating the action of replevin before justices of the peace ;"

"An act relating to the county of St. Croix ;"

"An act to authorize the collector of the town of Hudson to collect certain taxes ;"

"An act repealing an act which vacated an alley in Southport ;"

"Resolution concerning a light house on Grassy Island, near the mouth of Fox river ;"

"Joint resolution providing for the payment to William W. Brown out of the canal fund the sum therein named ; and

"A memorial to Congress on the subject of the reserved mineral lands."

JOHN CATLIN,  
N. PHELPS,

of Joint Committee of Enrollment.

The following message was received from the House of Representatives by their chief clerk :

● "Mr. President—I am directed to present for your signature

"Joint resolution providing for the payment to William W. Brown out of the canal funds the sum therein named ;"

"Resolution concerning a light house on Grassy Island, near the mouth of Fox river ;"

"An act to authorize school district No. 2, in Sheboygan county to levy a tax for finishing a school house ;"

"An act relating to the county of St. Croix ;"

"An act to provide for and regulating the action of replevin before justices of the peace ;"

"An act to authorize the collector of the town of Hudson to collect certain taxes ;"

"An act repealing an act which vacated an alley in Southport ;"

"An act to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties ;"

"An act to organize certain towns therein named ;"

"An act to authorize Jemison Hamilton to build a bridge across the Pecatonica river, at New Bedford ;"

"An act defining the time for taking appeals from the vote of school meetings, and for other purposes ;"



"An act to amend an act entitled 'an act to incorporate the town of Platteville ;' and

"A memorial to Congress on the subject of the reserved mineral lands ;"

Which have been signed by the Speaker of the House of Representatives."

The House of Representatives have concurred in the amendments of the Council to

No. 3, (H. of R.) "A bill to change the time of holding courts in certain counties in the second judicial district ;" and

No. 9, (H. of R.) "Joint resolution in relation to canal funds,"

In the last with amendments,

In which the concurrence of this House is requested.

The House of Representatives have passed

No. 76, (H. of R.) "A bill to authorize school district No. 1, in the town of Fond du Lac to levy a tax for special purposes ;" and

No. 36, (H. of R.) "A bill to organize certain towns therein named, and for other purposes ;"

In which the concurrence of this House is requested."

The President signed the several acts, &c. presented with said message.

No. 58, (C.) "A bill to increase the revenue of the Territory,"

Was taken up, when

On motion of Moses M. Strong,

The further consideration of said bill was postponed until tomorrow.

No. 57, (C.) "A bill to provide for the payment of John Anderson ;"

Was taken up, when Moses M. Strong moved to amend the bill by inserting after the word "lands," in the 7th section "arising from the sale of the canal lands sold previous to February, 1842 ;"

Which was agreed to.

And on the question,

"Shall this bill be engrossed and read a third time ?"

It was decided in the affirmative.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M.

Strong and Wilcox,—7.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Whiton and Dewey, (President,)

—4.

Moses M. Strong moved to suspend the rules and that the bill be read a third time now ;

Which was disagreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed and Moses

M. Strong,—6.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Whiton, Wilcox and Dewey,

(President,)—5.

Two-thirds not having voted in the affirmative the rules were not suspended.

Moses M. Strong moved to take up

No. 53, (C.) "A bill relating to billiard tables and nine-pin alleys,"

Which was on the table ;

The motion was lost,

And the ayes and noes were demanded,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M.

Strong and Wilcox,—7.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Whiton and Dewey, (President,)

—4.

On motion of Moses M. Strong,

The Council adjourned until 8 o'clock, P. M.

## EVENING SESSION, EIGHT O'CLOCK, P. M.

The Council met pursuant to adjournment.

The amendments of the House of Representatives to No. 70, (C.) "A bill relative to the support of the poor in Racine county ;"

Non-concurred in by the Council, and insisted on by the House of Representatives,

Being under consideration,

On motion of Mr. Frank,

That the Council do recede from its non-concurrence ;  
Which was agreed to.

And the amendments of the House were concurred in.

The amendments of the House of Representatives to No. 9, (H. of R.) "Joint resolution in relation to canal funds,"

Were considered and agreed to.

The amendments of the House of Representatives to No. 11, (C.) "A bill to amend the act concerning proceedings in courts of record, and for other purposes,"

Were considered, and the Council concurs in the first amendment, and non-concurs in the second amendment.

The following bills

No. 76, (H. of R.) "A bill to organize school district No. 1, in the town of Fond du Lac for special purposes ;"

No. 63, (H. of R.) "A bill to repeal the law limiting the time for the commencement of suits for the recovery of land sold for taxes ;"

No. 36, (H. of R.) "A bill to organize certain towns therein named, and for other purposes ;"

Were severally read a first and second times.

No. 65, (H. of R.) "A bill to amend an act entitled 'an act to provide for the selection of certain lands reserved by act of Congress for the use and support of a University in the Territory of Wisconsin ;'"

Was read a third time, passed, and the title agreed to.

Mr. Catlin, by leave, introduced

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the year 1846 ;"

Which was read the first and second times.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed :

No. 57, (C.) "A bill to provide for the payment of John Anderson ;" and

No. 87, (C.) "A bill to amend an act entitled 'an act to incorporate the city of Milwaukee.'"

Moses M. Strong moved to suspend the rules and that said bill be read the third time then ;

A division was called for,

The rules were suspended as related to No. 87,

The bill was read a third time, passed, and the title thereof agreed to.

The Council refused to suspend the rules in regard to No. 57.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Whiton, Wilcox and Dewey, (President,)—5.

The question then was,

"Shall this bill be engrossed and read a third time?"

It was decided in the affirmative.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M. Strong and Wilcox—7.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Whiton and Dewey, (President,)—4.

Mr. Baker, from the committee on the Judiciary, to whom had been referred

No. 45, (H. of R.) "A bill to amend the several acts of this Territory concerning the supreme and district courts,"

Reported the same back without amendment and asked to be discharged from the further consideration of the subject.

Moses M. Strong moved that the rules be suspended and that the Council resolve itself into a committee of the whole on the general file of bills,

Which was agreed to.

Mr. Kneeland in the chair.

And after some time spent therein, the committee rose, and by their chairman reported

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the year 1846."

On the question of concurring in the amendments of the committee to said bill the result was as follows :

The report was concurred in as regarded the appropriation of Beriah Brown.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Knowlton Reed, Moses M. Strong and Whiton—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Kneeland, Wilcox and Dewey, (President),—5.

On the question of adopting the report of the committee in relation to Samuel B. Ormsbee,

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Reed, Moses M. Strong and Whiton,—5.

Those who voted in the negative were,

Messrs. Baker, Frank, Kneeland, Knowlton, Wilcox and Dewey, (President),—6.

So the amendment was non-concurred in.

The residue of the amendments were then severally concurred in by the Council.

Mr. Kneeland moved to amend the bill by striking out "73," in the appropriation to W. W. Wyman, and insert "45," in lieu thereof;

Which was disagreed to.

Moses M. Strong moved to amend said bill as follows :

“ To Joseph Brisbois for writing done for the Legislative Assembly, “ twelve dollars;”

Which was agreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Kimball, Kneeland, Knowlton, Reed, Moses M. Strong and Whiton,—7.

Those who voted in the negative were,

Messrs. Catlin, Frank, Wilcox and Dewey, (President,)—4.

The bill was then ordered to be engrossed and read a third time.

No. 15. (C.) “ Joint resolution relative to issuing certificates to the members of the convention, and for other purposes ;”

Was reported with amendments, the amendments concurred in, and the resolution ordered to be engrossed and read a third time, and

No. 61, (H. of R.) “ A bill in relation to the election district composed of Milwaukee and Washington counties,”

Without amendments ; when,

On motion of Mr. Catlin,

The further consideration of said bill was postponed until to-morrow.

No. 45, (H. of R.) “ A bill to amend the several acts of this Territory concerning the supreme and district courts,”

With amendments, the amendments agreed to.

Mr. Baker moved to amend said bill as follows :

“ Strike out in the twelfth line of the thirteenth section the words, ‘ as will,’ and strike out all after the word ‘ contained,’ in the thirteenth line of the same section ;”

Which was agreed to.

Mr. Wilcox moved to strike out all after the enacting clause ;

Which was disagreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Frank, Kimball, Reed and Wilcox,—4.

Those who voted in the negative were,  
Messrs. Baker, Catlin, Kneeland, Knowlton, Moses M. Strong,  
Whiton and Dewey, (President,)—7.

The bill was then ordered to be read a third time.

Moses M. Strong asked leave to withdraw the Auditor's warrant on file with the Secretary belonging to William W. Brown.

Leave was granted.

Mr. Frank moved that the Council adjourn;

Which was disagreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Frank, Knowlton, Whiton, Wilcox and Dewey,  
(President,)—5.

Those who voted in the negative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, and Moses M. Strong,—6.

Mr. Kneeland asked leave to withdraw the petition and accompanying documents of ———, for a divorce from his wife, which papers were on file with the Secretary.

Leave was granted.

Moses M. Strong moved to take up

No. 27, (C.) "A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee;"

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed and Moses M. Strong,—6.

Those who voted in the negative were,

Messrs. Frank, Knowlton, Whiton, Wilcox and Dewey,  
(President,)—5.

Moses M. Strong then moved to amend said bill as follows:

"Strike out all after the enacting clause, and insert

Sec. 1. The Treasurer of the Territory is hereby required to pay out of any moneys in his hands belonging to the canal fund, the principal and interest of bonds numbered 32, 33, 34, 35 and 36, of one thousand dollars each, issued for and on account of the Milwaukee and Rock River Canal, whenever

the same shall be presented for payment; and whenever full payment shall be made of any of said bonds and interest thereon, said Receiver shall cancel the same by drawing black lines across the faces of the same, and shall sever from the same the signatures of the Governor and Secretary and the seal of the Territory.

Sec. 2. This act shall take effect from and after its passage."

Mr. Whiton moved to amend the amendment as follows:

"Add 'So much of any law of this Territory as authorizes the sale of the canal lands, or any part thereof, is hereby repealed.'"

Which was disagreed to.

And the ayes and noes being demanded,  
Those who voted in the affirmative were,  
Messrs. Catlin, Frank, Knowlton, Whiton, Wilcox and Dewey, (President,)—6.

Those who voted in the negative were,  
Messrs. Baker, Kimball, Kneeland, Reed and Moses M. Strong,—5.

The question then recurred on adopting the amendment of Mr. Strong;

And the ayes and noes being demanded,  
Resulted as follows:

Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Kneeland and Moses M. Strong,—4.

Those who voted in the negative were,  
Messrs. Frank, Kimball, Knowlton, Reed, Whiton, Wilcox and Dewey, (President,)—7.

So the amendment was lost.

Mr. Frank moved that the Council adjourn.

And the ayes and noes having been called for,

They were as follows:

Those who voted in the affirmative were,  
Messrs. Baker, Frank, Knowlton, Whiton, Wilcox and Dewey, (President,)—6.

Those who voted in the negative were.



Messrs. Catlin, Kimball, Kneeland, Reed and Moses M. Strong,—5.

Whereupon, the Council adjourned.

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**TUESDAY, February 3, 1846.**

Council met at ten o'clock, A. M.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

The following message was received from the House of Representatives by their chief clerk:

"Mr. President—I am directed to request this House to return to the House of Representatives, for their further action,

No. 43, (C.) "A bill to change the time of holding the district court in the counties of Iowa and Crawford."

The House of Representatives have concurred in the amendments of the Council to

No. 51 (H. of R.) A bill to authorize Abraham Brawley to build a dam and boom across the Wisconsin river ;"

And have non-concurred in the amendments of the Council to

No. 7, (H. of R.) "Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin for education purposes."

Moses M. Strong moved that the Secretary be directed to return to the House of Representatives bill No. 43, (C.) for their future action ;

Which was agreed to.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed :

No. 57, (C.) "A bill to provide for the payment of John Anderson."

Mr. Frank offered the following resolution :

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin :*

That George P. Delaplaine be employed to prepare for the use of the Territory a map of the Territory designating all the counties and towns which have been organized up to the present time ; said map to be on the same scale per mile as the one now suspended on the west wall of the Council Chamber. The compensation for preparing said map shall be such as the Legislative Assembly may allow.

Which was read the first and second times, and

The rules for that purpose being suspended,

The resolution was read a third time, passed, and the title thereof agreed to.

Mr. Reed, from the committee on Engrossed Bills, reported as correctly engrossed,

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the session of 1846."

On motion of Mr. Frank,

No. 36, (H. of R.) "A bill to organize certain towns therein named, and for other purposes ;"

Was considered ;

And the rules having been suspended for that purpose,

The said bill was read a third time then, passed, and the title thereof agreed to.

Mr. Wilcox asked the permission of the Council to be given to Mr. Whiton to be absent on the business of the enrolling committee ;

Which was granted.

Mr. Knowlton moved that all rules be suspended in relation to

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the year 1846 ;"

And that the bill be now read a third time ;

Which was agreed to ;

And the bill was read the third time, passed, and the title agreed to.

The following message was received from His Excellency, the Governor, by G. P. Delaplaine, Esq., his private secretary :

" Mr. President—I am directed by the Governor to inform you that he did on the 2d instant, approve, sign, and deposite in the office of the Secretary of the Territory :

" An act to incorporate the town of Potosi ;"

" An act to change the form of government of the county of Dane ;"

" An act relating to certain streets in the city of Milwaukee ;"

" An act to incorporate Beloit College ;"

" An act to organize certain towns in Jefferson county ;"

" An act relating to bridges in the city of Milwaukee ;"

" An act to provide for the payment of the account of J. Gillett Knapp against the Territory ;"

" An act to authorize certain counties to levy a special tax ;"

" An act fixing the salaries of the Auditor and Treasurer of the Territory ;"

" An act to incorporate the Carrollton Manufacturing Company of Ormsbeeville, Wisconsin ;"

" An act to authorize the collector of the town of Hudson to collect certain taxes ;"

" An act relating to the county of St. Croix ;"

" An act to provide for and regulating the action of replevin before justices of the peace ;"

" An act repealing an act which vacated an alley in Southport ;"

" An act to provide for the payment of the claim of Edward V. Whiton against the Territory ;"

" An act authorizing proceedings in chancery against corporations ;"

" An act to provide for the payment of Horatio N. Wells' account against the Territory ;"

" A memorial to the Congress of the United States relative to a road from Prairie Du Chien to La Pointe."

" Resolution concerning a light house on Grassy Island, near the mouth of Fox river ;" and

"Joint Resolution providing for the payment to William W. Brown out of the canal funds the sum therein named."

The amendments of the Council to

No. 7, (H. of R.) "Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin, for education purposes ;"

Non-concurred in by the House of Representatives,

Were taken up; and the same being under consideration,

Mr. Reed moved that the Council do recede from its amendments ;

Which was agreed to.

No. 17, (C.) "A bill to provide means for the payment of the interest on certain liquidated territorial bonds therein named ;"

No. 45, (H. of R.) "A bill to amend the several acts of this Territory concerning the Supreme and District Courts;" and

No. 15, (C.) "Joint resolution relative to issuing certificates to the members of the Convention, and for other purposes ;"

Were severally read a third time, passed, and the title thereof agreed to.

No. (H. of R.) "A bill to establish a territorial road therein named,"

Being under consideration,

Mr. Catlin moved to amend the title of said bill ;

Which was agreed to.

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Reed, Moses M. Strong and Wilcox,—8.

Those who voted in the negative were,

Messrs. Knowlton and Dewey, (President,)—2.

And the bill was read a third time, passed, and the title thereof, as amended, was agreed to.

No. 58, (C.) "A bill to increase the revenue of the Territory,"

Being under consideration,

Mr. Knowlton moved that the further consideration of the same be postponed for the present ;

Which was agreed to.

No. 57, (C.) "A bill to provide for the payment of John Anderson,"

Being under consideration, was read a third time.

Mr. Knowlton moved that this bill be re-committed to the committee of the whole house.

Pending which question,

Moses M. Strong moved the previous question;  
Which was sustained by the Council.

Mr. Whiton inquired of the Chair what was the main question,

And the Chair decided the main question to be,  
"Shall this bill pass?"

Mr. Whiton appealed from the decision of the Chair.

And the ayes and noes were called on this appeal,  
And the question being, "Shall the decision of the Chair stand as the judgment of the Council?"

Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Moses M. Strong and Wilcox,—9.

Mr. Whiton voted in the negative—1.

So the decision of the Chair stood as the judgment of the Council.

The question then being,  
"Shall the main question be now put?"

It was decided in the affirmative.

And the ayes and noes being demanded,  
Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M. Strong and Wilcox,—7.

Those who voted in the negative were,  
Messrs. Frank, Knowlton, Whiton and Dewey, (President),  
—4.

And the question then being,  
"Shall this bill pass?"

It was decided in the affirmative.

And the ayes and noes having been called for,  
Those who voted in the affirmative were,  
Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M. Strong and Wilcox,—7.

Those who voted in the negative were,  
Messrs. Frank, Knowlton, Whiton and Dewey, (President,)

—4.

The Council then resolved itself into a committee of the whole on

No. 76, (H. of R.) "A bill to organize school district No. 1, in the town of Fond du Lac, for special purposes;"

Mr. Knowlton in the chair.

And after some time spent therein, the committee rose, and by their chairman reported the bill with amendment;

Which amendments were severally concurred in by the Council.

The bill was read a third time, passed, and the title thereof agreed to.

Mr. Whiton made the following report:

The committee on Enrollment report as correctly enrolled,

"An act relative to the support of the poor in Racine county;"

"An act to provide for the laying out of the territorial roads therein mentioned;"

"An act to divide the county of Portage, and organize the county of Columbia;"

"An act to incorporate the Rochester Cemetery Company;"

"An act to authorize religious societies to lease or sell their real estate;"

"An act to authorize school district No. 3, in the county of Grant, to levy a tax for the purpose of building a school house;"

"An act to incorporate the village of Madison;"

"An act to provide for the payment to John Catlin of interest on certain liquidated territorial bonds;"

"An act to provide for the payment of Moses M. Strong's account against the Territory;" and

"Joint resolution, instructing the Superintendent of Territorial Property to perform certain duties."

The President laid before the Council a letter from Collier & Pettus on the subject of their claim against the Territory;  
Which was laid on the table.

On motion of Moses M. Strong,

The Council adjourned until half past two o'clock, P. M.

## HALF PAST TWO O'CLOCK, P. M.

The following message was received from the House of Representatives by their chief clerk :

"Mr. President—The House of Representatives have passed

No. 14, (C.) "Resolution relative to the offices of the Auditor and Treasurer of the Territory,"

And have negatived

No. 43, (C.) "A bill to change the time of holding the district court in the counties of Iowa and Crawford,"

By refusing to order the same to a third reading.

The House of Representatives have concurred in the amendments of the Council to

No. 45, (H. of R.) "A bill to amend the several acts of this Territory concerning the supreme and district courts,"

No. 61, (H. of R.) "A bill making new election districts and providing for a new apportionment of Representatives to the Legislative Assembly;" and

No. 76, (H. of R.) "A bill to organize school district No. 1, in the town of Fond du Lac for special purposes."

I am directed to present for the signature of the President,

"An act to divide the county of Portage, and organize the county of Columbia;"

"An act to provide for the laying out of the territorial roads therein mentioned;"

"An act to authorize school district No. 3, in the school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house;"

"An act relative to the support of the poor in Racine county;"

"An act to incorporate the Rochester Cemetery Company;"

"An act to authorize religious societies to lease or sell their real estate ;"

"An act to incorporate the village of Madison ;"

"Joint resolution instructing the Superintendent of Territorial Property to perform certain duties ;"

"An act to provide for the payment to John Catlin of interest on certain liquidated territorial bonds ;" and

"An act to provide for the payment of Moses M. Strong's account against the Territory."

Which has been signed by the Speaker of the House of Representatives."

The President signed the acts presented to him with said message.

Mr. Knowlton, by leave, introduced

No. 18, (C.) "Resolution relative to the printing of the reports of the Supreme Court ;"

Which was read and adopted.

Mr. Whiton, from the joint committee on Enrollment, reported as follows :

The joint committee on Enrollment report as correctly enrolled,

"An act to provide means for the payment of the interest on certain liquidated territorial bonds therein named ;"

"An act to amend an act entitled 'an act to provide for the selection of certain lands reserved by act of Congress for the use and support of a University in the Territory of Wisconsin ;"

"An act to organize certain towns therein named, and for other purposes ;"

"An act to authorize Abraham Brawley to build a dam and boom across the Wisconsin river ;"

"Joint resolution in relation to canal funds ;"

"An act to change the time of holding courts in certain counties in the second judicial district ;"

"An act to amend an act entitled 'an act to provide for the payment to the county of Dane the sum therein mentioned,' approved Feb. 22, 1845 ;"

"Joint resolution instructing the Attorney General to collect certain delinquent taxes ;"



"An act to vacate certain streets in the village of Geneva ;"

"Resolution relative to the extinguishment of the Indian title to the lands north of the Fox river ;"

"An act making new election districts and providing for a new apportionment of Representatives to the Legislative Assembly ;"

"An act to authorize school district No.1, in the school town of Wisconsin, in Grant county, to levy an additional tax for paying a debt incurred in building a school house ;" and

"An act to authorize school district No. 16, in Dane county, to levy a tax to build a school house."

Mr. Catlin, from the committee on Enrolled Bills, reported as follows :

The joint committee on Enrollment report that they did, on this day, to wit. the 3d day of February, A. D. 1846, present to the Governor for his approval, the following bills and joint resolution, to wit :

"An act to incorporate the Rochester Cemetery Company ;"

"An act to authorize school district No. 3, in the school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house ;"

"An act relative to the support of the poor in Racine county ;"

"An act to authorize religious societies to lease or sell their real estate ;"

"An act to provide for the laying out of the territorial roads therein mentioned ;"

"An act to divide the county of Portage, and organize the county of Columbia ;"

"An act to provide for the payment to John Catlin of interest on certain liquidated territorial bonds ;"

"An act to incorporate the village of Madison ;"

"An act to provide for the payment of Moses M. Strong's account against the Territory ;" and

"Joint resolution instructing the Superintendent of Territorial Property to perform certain duties."

A message was received from the House of Representatives as follows :

"Mr. President—The Governor has notified the House of Representatives that he did on the 2d instant, approve, sign, and deposite in the office of the Secretary of the Territory,

"An act to amend an act entitled 'an act to provide for the government of the several towns in this Territory, and for the revision of county government, and for other purposes;'"

"An act to incorporate the Lisbon and Milwaukee Plank Road Company;"

"An act to submit to the inhabitants of the counties of Jefferson and Dodge the question of the division of said counties;"

"An act to organize certain towns therein named;"

"An act to authorize school district No. 2, in Sheboygan county, to levy a tax for finishing a school house;"

"An act defining the time for taking appeals from the vote of school meetings, and for other purposes;"

"An act to amend an act entitled 'an act to incorporate the town of Platteville;'"

"An act to authorize Jemison Hamilton to build a bridge across the Pecatonica river at New Bedford;" and

"A memorial to Congress on the subject of the reserved mineral lands."

The House of Representatives have concurred in the amendments of the Council to the amendments of the House of Representatives to

No. 79 (C.) "A bill making appropriations out of the Territorial Treasury to pay certain debts therein named."

I am directed to present for the signature of the President,

"Joint resolution instructing the Attorney General to collect certain delinquent taxes;"

"An act to authorize school district No. 16, in Dane county, to levy a tax to build a school house;"

"An act to vacate certain streets in the village of Geneva;"

"Resolution relative to the extinguishment of the Indian title to the lands north of the Fox river;"

"An act to provide means for the payment of interest on certain liquidated territorial bonds therein named ;"

"An act to amend an act entitled 'an act to provide for the payment to the county of Dane the sum therein mentioned,' approved Feb. 22, 1845 ;"

"An act to organize certain towns therein named, and for other purposes ;"

"Joint resolution in relation to canal funds ;"

"An act making new election districts and providing for a new apportionment of representation to the Legislative Assembly ;"

"An act to authorize school district No.1, in the school town of Wisconsin, in Grant county, to levy an additional tax for paying a debt incurred in building a school house ;"

"An act to amend an act entitled 'an act to provide for the selection of certain lands reserved by act of Congress for the use and support of a University in the Territory of Wisconsin ;"

"An act to authorize Abraham Brawley to build a dam and boom across the Wisconsin river ;" and

"An act to change the time of holding courts in certain counties in the second judicial district."

Which have been signed by the Speaker of the House of Representatives."

The President signed the several acts, presented with said message.

The following message was received from the House :

"Mr. President—The House of Representatives have passed

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the year 1846 ;"

With amendments, in which the concurrence of the Council is requested."

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the year 1846,"

Was taken up, and the question was on concurring in the amendments of the House thereto.

On concurring in the first amendment, which was : "Strike

out '150" and insert "200" in lieu thereof, in the appropriation to La Fayette Kellogg ;

And the ayes and noes being demanded,

Which were as follows :

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Knowlton, Moses M. Strong, Whittton and Wilcox,—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Kneeland, Reed and Dewey, (President,)—5.

So the amendment was adopted.

The residue of the amendments of the House were severally concurred in by the Council.

Mr. Catlin moved to amend said bill as follows :

"Amend last amendment of House of Representatives, by adding the following :

Sec. 2. That the balance of the fund appropriated by Congress for the payment of the expenses of the Legislative Assembly for the current year, which may remain after deducting from such fund the per diem and mileage of the members, the pay of officers and other incidental expenses provided for in this act, be and the same is hereby appropriated to be expended under the direction of the Superintendent of Territorial Property, in the purchase of books for the library of the Territory : Provided, that the first books to be purchased shall be such volumes of Reports as may be necessary to continue and complete the sets which have been heretofore purchased, and are now belonging to the library."

Moses M. Strong moved to amend the amendment, as follows :

"Sec. 3. The Auditor of the Territory is hereby authorized and directed to audit and allow the claim of Collier & Pettus, for the balance due them on a loan made for the use of the Legislative Assembly in December, 1838, and to issue to them warrants on the Treasurer for the balance due them for principal and interest on said loan, upon their surrendering to the Auditor all evidences of indebtedness against the Territory on account of said claim ; which warrants the Treasurer of the Territory is hereby required to pay, with interest from

the date of their issue until the time of their payment, at the rate of seven per centum per annum."

The question was taken on the amendment of Mr. Strong; Which was concurred in.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Baker, Kimball, Kneeland, Knowlton, Reed, Moses M. Strong and Whiton,—7.

Those who voted in the negative were,

Messrs. Frank, Catlin, Wilcox and Dewey, (President,)—4.

The question then recurred upon the amendment of Mr. Catlin;

Which was concurred in.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Kimball, Kneeland, Reed, Moses M. Strong, Whiton and Dewey, (President,)—8.

Those who voted in the negative were,

Messrs. Frank, Knowlton and Wilcox,—3.

Mr. Baker, from the committee on the Judiciary, to whom had been referred

No. 48, (C.) "A bill relating to conveyancing;"

Reported the same back, and asked to be discharged from the further consideration of the subject.

On motion of Moses M. Strong,

The bill was laid on the table.

The following message was received from the House of Representatives by their chief clerk:

"Mr. President—The House of Representatives have negatived

No. 17, (C.) "Joint resolution to employ G. P. Delaplaine to draw a map."

Also, the following:

"Mr. President—The House of Representatives have negatived

No. 16, (C.) "Joint resolution relative to issuing certificates to the members of the convention, and for other purposes;"

The House have concurred in the first amendment and non-concurred in the second amendment of the Council to the amendments of the House of "

No. 94, (C.) "A bill to provide for the payment of the expenses of the Legislative Assembly for the year 1846 ;"

Mr. Catlin, from the committee on Enrolled Bills, reported as follows :

The joint committee on Enrollment report that they did, on this day, to wit. the 3d day of February, A. D. 1846, present to the Governor for his approval, the following bills and resolutions, to wit :

"An act to amend an act entitled 'an act to provide for the payment to the county of Dane the sum therein mentioned,' approved Feb. 22d, 1845 ;"

"An act to provide means for the payment of the interest on certain liquidated territorial bonds therein named ;"

"Resolution relative to the extinguishment of the Indian title to the lands north of the Fox river ;"

"An act to vacate certain streets in the village of Geneva ;"

"An act to authorize school district No. 16, in Dane county, to levy a tax to build a school house ;"

"An act making new election districts and providing for a new apportionment of representation to the Legislative Assembly ;"

"An act to change the time of holding courts in certain counties in the second judicial district ;"

"Joint resolutions in relation to canal funds ;"

"An act to organize certain towns therein named, and for other purposes ;"

"An act to amend an act entitled 'an act to provide for the selection of certain lands reserved by act of Congress for the use and support of a University in the Territory of Wisconsin ;'"

"An act to authorize Abraham Brawley to build a dam and boom across the Wisconsin river ;" and

"An act to authorize school district in the school town of Wisconsin, in Grant county, to levy an additional tax for paying a debt incurred in building a school house."

The following message was received from the House of Representatives by their chief clerk :

"Mr. President—I am directed to present for the signature of the President ;

"An act making appropriations out of the territorial treasury to pay certain debts therein named ;"

"Joint Resolution providing for the payment to William W. Brown out of the canal funds the sum therein named ;"

"An act to pay the county of Iowa the sum therein named ;"

"An act to provide for laying out a certain territorial road therein named ;"

"An act to authorize certain persons to build a dam across Milwaukee river ;"

"An act in relation to common schools in the city of Milwaukee ;"

"Resolution relative to the offices of the Auditor and Treasurer of the Territory ;"

"An act to amend an act entitled 'an act to incorporate the Madison Academy ;'"

"An act to provide for the payment of interest on certain territorial bonds."

Which have been signed by the Speaker of the House of Representatives."

The President signed the several acts presented to him in said message.

The following was received from the Governor by his private secretary :

"Mr. President—I am directed by the Governor to inform you that he did on this day, approve, sign, and deposite in the office of the Secretary of the Territory :

"An act to incorporate the village of Madison ;"

"An act to provide for the payment to John Catlin of interest on certain liquidated territorial bonds ;"

"An act relative to the support of the poor in Racine county ;"

"An act to provide for the payment of Moses M. Strong's account against the Territory ;"

"An act to incorporate the Rochester Cemetery Company ;"

"An act to authorize religious societies to lease or sell their real estate ;"

"An act to authorize school district No. 3, in the school town of Snake Hollow, in the county of Grant, to levy a tax for the purpose of building a school house ;"

“An act to authorize school district No. 16, in Dane county, to levy a tax to build a school house.”

“An act to vacate certain streets in the village of Geneva;”

“An act to provide means for the payment of the interest on certain liquidated territorial bonds therein named;”

“An act to amend an act entitled ‘an act to provide for the payment to the county of Dane the sum therein mentioned,’ approved Feb. 22, 1845;”

“Resolution relative to the extinguishment of the Indian title to the lands north of the Fox river;”

“Joint resolution instructing the Superintendent of Territorial Property to perform certain duties,” and

“Joint resolution instructing the Attorney General to collect certain delinquent taxes.”

The president appointed Moses M. Strong on the part of the Council as one of the committee appointed under the joint resolution for the appointment of a committee to examine the Bank of Mineral Point.

A communication was received from the Governor; also a report of a public meeting in Grant county, relative to the Indian disturbances in that county, and read.

Moses M. Strong offered the following resolution:

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin:*

That the resolution of the two Houses to adjourn on the 3d day of February be rescinded;

A call of the House being demanded,

Messrs. Baker, Kneeland, Knowlton and Whiton were absent;

The absentees being present,

The question was then taken upon adopting the resolution;

It was rejected.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Moses M. Strong and Wilcox,—5.

Those who voted in the negative were,

Messrs. Baker, Frank, Knowlton, Reed, Whiton and Dewey, (President),—6.



Mr. Catlin, from the joint committee on Enrolled Bills, reported as follows :

The committee on Enrollment report as correctly enrolled,

"An act to authorize certain persons to build a dam across Milwaukee river;"

"An act to pay to the county of Iowa the sum therein named;"

"An act to amend 'an act entitled an act to incorporate the Madison Academy;"

"An act to provide for the payment of interest on certain liquidated territorial bonds;"

"An act to provide for laying out certain territorial roads therein named;"

"Resolution relative to the offices of the Auditor and Treasurer of the Territory;"

"An act in relation to common schools in the city of Milwaukee;"

"An act making appropriations out of the territorial treasury to pay certain debts therein named," and

"An act to incorporate the village of Sheboygan."

The above have been presented to the Governor for his approval on this day, February 3, 1846.

Mr. Whiton, from the same committee, made the following report :

The committee on Enrollment report as correctly enrolled,

"An act to authorize certain persons to build a dam across Milwaukee river;"

"An act to amend an act entitled 'an act to incorporate the Madison Academy;"

"An act to provide for the payment of interest on certain liquidated territorial bonds;"

"An act to provide for laying out certain territorial roads therein named;"

"Resolution relative to the offices of the Auditor and Treasurer of the Territory;"

"An act in relation to common schools in the city of Milwaukee;"

"An act making appropriations out of the territorial treasury to pay certain debts therein named ;"

"An act to organize school district No. 1, in the town of Fond du Lac, for special purposes ;"

"An act to amend the several acts of this Territory concerning the supreme and district courts ;"

"An act to incorporate the village of Prairieville," and

"A memorial to Congress in relation to Forts Howard and Winnebago."

The following message was received from the Governor by his private secretary.

"Mr. President—I am directed by the Governor to inform you, that he did, on this day approve, sign and deposite in the office of the Secretary of the Territory :

"An act to provide for laying out certain territorial roads ;"

"An act in relation to common schools in the city of Milwaukee ;"

"An act making appropriations out of the territorial treasury to pay certain debts therein named ;"

"An act to pay to the county of Iowa the sum therein named ;"

"An act to amend 'an act entitled an act to incorporate the Madison Academy ;'"

"An act to provide for the payment of interest on certain liquidated territorial bonds ;"

"An act to authorize certain persons to build a dam across Milwaukee river ;" also,

"Resolution relative to the offices of the Auditor and Treasurer of the Territory."

A message was received from the House of Representatives, as follows :

"Mr. President—I am directed to inform you that Mr. Armstead C. Brown, of the county of Grant, has been appointed of the committee on the part of the House under the joint resolution of the two Houses entitled

'Joint resolution for the appointment of a committee to examine the Bank of Mineral Point.'

The House of Representatives have passed  
No. 10, (H. of R.) "Resolution requesting the Secretary of War to order a corps of dragoons to Fort Crawford;" and  
No. 70, (H. of R.) "A bill to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia;'"

In which the concurrence of this House is requested.

I am directed to transmit to this House the report of the joint committee appointed under the resolution of the Council entitled

'Joint resolution for the appointment of a committee to examine, count and cancel all evidences of indebtedness in the Territorial Treasury and Auditor's office, which the Secretary of the Territory is not instructed to pay.'

No. 70, (H. of R.) was taken up; when

On motion of Moses M. Strong,

The rules were suspended which required that bills should be considered in committee of the whole.

Mr. Frank moved to amend said bill as follows:

"Add to the first section, 'except so much of said acts as require regimental parades and officer drills;'"

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Baker, Frank, Kimball, Kneeland, Reed, Whiton, Wilcox and Dewey, (President,)—8.

Those who voted in the negative were,

Messrs. Catlin, Knowlton and Moses M. Strong,—3.

The question then being,

"Shall this bill pass?"

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Kneeland, Knowlton, Reed, Moses M. Strong, Wilcox and Dewey, (President,)—10.

Mr. Whiton voted in the negative.

Resolution No. 10, (H. of R.) was then read a first and second time.

On motion of Mr. Kneeland,

The rules were suspended, and the resolution was read a third time.

Moses M. Strong, by leave, offered the following amendment to said bill:

“Add as follows:

‘*Resolved*, That the Governor, in his discretion, is authorized to raise a battalion of mounted volunteer riflemen for the protection of the frontier from the depredation of the Winnemago Indians;”

Which was disagreed to.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Kimball, Kneeland, Moses M. Strong and Dewey, (President,)—4.

Those who voted in the negative were,

Messrs. Baker, Catlin, Frank, Knowlton, Reed, and Wilcox,—6.

Mr. Catlin moved to reconsider the vote by which the last amendment was lost;

Which was agreed to.

And the ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kneeland, Knowlton, Moses M. Strong, Wilcox and Dewey, (President,)—6.

Those who voted in the negative were,

Messrs. Baker, Frank, Kimball, Reed and Whiton,—4.

The question was then put upon agreeing to said amendment;

Which was decided in the affirmative.

The ayes and noes having been called for,

Those who voted in the affirmative were,

Messrs. Catlin, Kimball, Kneeland, Knowlton, Moses M. Strong, Wilcox and Dewey, (President,)—7.

Those who voted in the negative were,

Messrs. Baker, Frank, Reed and Whiton,—4.

The question then being,

“Shall this resolution be adopted?”

It was decided in the affirmative.

And the ayes and noes being demanded,

They were as follows:

Those who voted in the affirmative were,

Messrs. Kimball, Kneeland, Knowlton, Moses M. Strong, Wilcox and Dewey, (President,)—6.

Those who voted in the negative were,  
Messrs. Baker, Catlin, Frank, Reed and Whiton,—5.

The question then was on agreeing to the title of the resolution; when

Mr. Baker moved to amend the title by adding thereto,  
“and for other purposes;”

Which was agreed to.

And the title, as amended, was agreed to.

A message was received from the House of Representatives as follows:

“Mr. President—I am directed to inform you that the House of Representatives have concurred in the amendments of the Council to

No. 10, (H. of R.) “Resolution requesting the Secretary of War to order a corps of dragoons to Fort Crawford, and for other purposes.”

I am directed to present for your signature,

“Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin, for educational purposes;”  
and

“An act to repeal certain acts therein named, and to revive the act of the revised statutes entitled ‘an act relating to the militia;’”

Which have been signed by the Speaker of the House of Representatives.”

The President signed the several acts presented with said message.

The following message was received from the House of Representatives by their chief clerk:

“Mr. President—The House of Representatives have concurred in the amendments of the Council to

No. 70, (H. of R.) “A bill to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled ‘an act in relation to the militia.’”

I am directed to present for your signature,

“An act to incorporate the village of Prairieville;”

“An act to provide for the payment of the expenses of the Legislative Assembly for the year of 1846;”

"An act to organize school district No. 1, in the town of Fond du Lac for special purposes;" and

"An act to amend the several acts of this Territory concerning the Supreme and District Courts;"

The President signed the several acts presented to him in said message.

The following was received from the Governor by his private secretary :

"Mr. President—I am directed by the Governor to inform you that he did on this day, approve, sign, and deposite in the office of the Secretary of the Territory :

"An act to provide for the payment of the expenses of the Legislative Assembly for the year 1846."

Mr. Catlin, from the joint committee on Enrolled Bills, reported as correctly enrolled,

"Resolution requesting the Secretary of War to order a corps of dragoons to Fort Crawford, and for other purposes."

Mr. Whiton, from the committee on Enrollment, reported as correctly enrolled,

"An act to incorporate the village of Sheboygan."

The following message was received from the House of Representatives by their chief clerk :

"Mr. President—The Governor has notified the House of Representatives that he did on this day, approve, sign, and deposite in the office of the Secretary of the Territory,

"An act to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia ;'"

"An act to organize school district No. 1, in the town of Fond du Lac for special purposes ;

"An act to amend the several acts of this Territory concerning the supreme and district courts ;"

"Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin for educational purposes."

I am directed to present for your signature,

"Resolution requesting the Secretary of War to order a corps of dragoons to Fort Crawford, and for other purposes ;" and

"An act to incorporate the village of Sheboygan ;"

Which have been signed by the Speaker of the House of Representatives."

I am directed to inform you that Messrs. Mooers and Hoard have been appointed of the committee on the part of the House to act in conjunction with a similar committee on the part of the Council to wait upon His Excellency the Governor, and inform him that the two Houses have disposed of the business before them, and are now ready to adjourn; and to inquire if he has any further communication to make to them."

The President signed the acts, &c. presented with said message.

Mr. Whiton, from the committee on Enrolled Bills, made the following report:

The committee on Enrollment report as correctly enrolled,

"An act to provide for the payment of the expenses of the Legislative Assembly for the year 1846;" and

"An act to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia.'"

Mr. Catlin, from the joint committee on Enrolled Bills, reported as follows:

The joint committee on Enrollment report, that they did on this day, to wit. the 3d day of February, A. D. 1846, present to the Governor for his approval, the following bills, to wit:

"An act to provide for the payment of the expenses of the Legislative Assembly for the year 1846;"

"An act to amend the several acts of this Territory concerning the supreme and district courts;"

"An act to organize school district No. 1 in the town of Fond du Lac for special purposes;" and

"An act to repeal certain acts therein named, and to revive the act of the Revised Statutes entitled 'an act relating to the militia.'"

Mr. Catlin, from the committee on Enrolled Bills, reported as follows:

The joint committee on Enrollment report that they did, on this day, to wit. the 3d day of February, A. D. 1846, present to the Governor for his approval, the following bills and memorial to wit:

"An act to incorporate the village of Prairieville;"

"Memorial to Congress for the appropriation of Fort Howard to the Territory of Wisconsin, for educational purposes;"

"An act to incorporate the village of Sheboygan;" and

"Resolution requesting the Secretary of War to order a corps of dragoons to Fort Crawford, and for other purposes."

The following message was received from the Governor, by his private secretary:

"Mr. President—I am directed by the Governor to inform you that he did, on this day, approve, sign, and deposite in the office of the Secretary of the Territory,

"An act to incorporate the village of Prairieville."

Also, the following:

"Mr. President—I am directed by the Governor to inform you that he did, on this day, approve, sign and deposite in the office of the Secretary of the Territory,

"An act to incorporate the village of Sheboygan."

Mr. Catlin offered the following resolution:

*Resolved*, That a committee of two be appointed on the part of the Council, to act in conjunction with a committee to be appointed on the part of the House of Representatives to wait on the Governor and inform him that the two Houses have completed the business before them, and are now ready to adjourn.

Moses M. Strong moved that the resolution be laid on the table;

Which was disagreed to, and

The resolution was adopted.

Whereupon the President appointed Messrs. Catlin and Baker as said committee on the part of the Council.

Mr. Catlin, from the joint committee appointed to wait upon His Excellency, the Governor, and inform him that the two Houses had completed all the business before them and were now ready to adjourn, reported that they had performed the duty assigned them, and had been informed by his Excellency that he had no further communication to make.

Mr. Baker offered the following resolution:

*Resolved*, That the Secretary of the Council be directed to



inform the House of Representatives that the Council is now ready to adjourn without day ;

Which was adopted.

The following message was received from the House of Representatives by their chief clerk :

“ Mr. President—I am directed to inform you that the House of Representatives have completed the business before them and are now ready to adjourn, *sine die*.”

Mr. Baker offered the following resolution :

Mr. Whiton having been called to the chair for that purpose ;

*Resolved*, That the thanks of the Council be tendered to the Hon. Nelson Dewey for the able, dignified and impartial manner with which he has discharged the responsible duties devolving upon him as President of the Council ;”

Which was unanimously adopted.

The President having resumed the chair, Moses M. Strong moved that the Council do now adjourn, *sine die*.

Whereupon the President addressed the Council as follows:

GENTLEMEN OF THE COUNCIL—In leaving this place to which your partiality elevated me, I cannot refrain from tendering you my warmest gratitude for the friendship that placed me here and for the support and kind indulgence which you have extended to the chair in discharging the duties imposed upon it.

We have completed the business of the session, and whatever of good or evil may result from our acts, may we not hope that some benefit, at least, may be conferred by our labors upon the country.

This has been the shortest annual session since the organization of the Territory, and although short, some most important measures, affecting the future welfare and happiness of the people, have been presented for their consideration and approval. I allude more directly to the act of the present session, submitting to the people the question of assuming the responsibilities of a sovereign and independent State. Should the people decide to carry out the provisions of that act, this

may be regarded as the most important era in the history of Wisconsin.

Our last official act is about to be performed. We leave this chamber and these seats—we leave them to be occupied by others, but I trust that in leaving them we shall leave here every unkind feeling and carry with us only that loving friendship which our associations have tended so strongly to cement.

The present may be regarded as among the most pleasant sessions that we have spent here. Nothing has arisen to disturb the harmony and good feeling between us.

We now separate. We are now assembled upon this floor for the last time. If the ideas associated with these reflections are solemn, they are accompanied with the more pleasing reflections that we are to return to our friends and homes.

May peace and happiness crown all of your efforts and be with you and each of you throughout life. Councillors—farewell.

This House is adjourned without day.



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# **EXECUTIVE JOURNAL.**

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# EXECUTIVE JOURNAL.

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FRIDAY, January 9, 1846.

The President announced the following communication from the Governor, to wit.:

TERRITORY OF WISCONSIN, EXECUTIVE DEPARTMENT, }  
Madison, January 8th, 1846. }

*To the Hon. the President of the Council:*

SIR,—The following nominations are respectfully submitted to your consideration, viz:

John W. Walker, Abram D. Smith, John White, Alexander Mathieson, Alexander Cook, Henry K. White, John G. Barr, Chapman Yates, Henry R. Edgerton, Albert Alden and Edward Wisner, as Notaries Public;

William M. Cook and Jonas Whitney as Auctioneers;

And Abram D. Smith as Master in Chancery, for the county of Milwaukee.

Bennet Atwood as Auctioneer, for the county of Grant; and

Richard F. Rising as Notary Public, for the county of Dodge.

Very respectfully,

Your ob't serv't,

HENRY DODGE.

Whereupon, the Council advised and consented to the ser

eral appointments named in said message, except that of Richard F. Rising, which was,

On motion of Mr. Catlin,  
Laid on the table.

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**SATURDAY, January 10, 1846.**

The President announced the following communication from the Governor :

TERRITORY OF WISCONSIN, EXECUTIVE DEPARTMENT, }  
Madison, January 10, 1846. }

*To the Hon. the President of the Council:*

SIR,—The following nominations are respectfully submitted for the consideration of the Council, viz :

Leander Leclere, for the office of Auctioneer ;

Thomas A. B. Boyd, for the office of Master in Chancery ;  
and

Alfred Bronson, for the office of Notary Public, in the county of Crawford, Wisconsin Territory.

Very respectfully,

Your ob't serv't,

HENRY DODGE.

Which nominations were severally confirmed by the Council.

And the ayes and noes being demanded, on the question of confirming the nomination of said Alfred Bronson,

They were as follows :

Those who voted in the affirmative were,

Messrs. Baker, Catlin, Frank, Kimball, Knowlton, Reed, Rountree, Marshall M. Strong and Whiton,—9.

Those who voted in the negative were,  
Messrs. Kneeland, Moses M. Strong, Wilcox and Dewey,  
(President.)—4.

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**TUESDAY, February 13, 1846.**

• The President announced the following communication from the Governor, to wit :

EXECUTIVE DEPARTMENT, TERRITORY OF WISCONSIN, }  
Madison, January 13, 1846. }

*To the Hon. the President of the Council :*

SIR,—I submit the nomination of Andrew McCormick, for the office of Auctioneer in the county of Milwaukee, to the consideration of the Council.

Very respectfully,

HENRY DODGE.

Which nomination was thereupon confirmed by the Council.

On motion of Mr. Catlin,

The nomination of Richard F. Rising, as Notary Public for the county of Dodge, was taken up, and the Council then confirmed the same.



**THURSDAY, January 15, 1846.**

The President announced the following communication from the Governor, to wit :

*To the Legislative Council :*

The following nominations are submitted for your consideration :

John C. Nubendald, Jonathan P. Bailey and Hopewell Cox, as Notaries Public;

Harvey G. Turner, Master in Chancery;

William F. Bonniwell, Public Administrator ; and

Phineas M. Johnson and William F. Opitz, as Auctioneers, for the county of Washington.

Also, A. Henry Beilfeld, as Notary Public for the county of Milwaukee.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 15, 1846. }

Whereupon the Council confirmed the several nominations contained in said message.

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**SATURDAY, January 17, 1846.**

The President announced the following communication from the Governor, to wit :

*To the Legislative Council :*

The following nominations are submitted for your consideration :

James B. Cross and Louis Franchere, Notaries Public for Milwaukee county.

Thomas Bennett, John J. Driggs and John V. Suydam, Auctioneers; and

John Last, Elisha Morrow and Edward Hicks, Notaries Public for Brown county.

A. J. Soper, Auctioneer; and

Charles H. Champlain, Notary Public for Manitowoc county.

Barney B. Cook, Auctioneer; and

Albert S. Story, C. P. Hiller and Jedediah Brown, Notaries Public for Sheboygan county.

Selim Newton, Auctioneer;

S. S. N. Fuller, Theodore Conkey, Warren Chase and E. G. Newall, Notaries Public; and

Rufus P. Eaton, Public Administrator for the county of Fond du Lac.

William H. Dakin, William H. Bradbury, Henry W. White and Hiram McDonald, Notaries Public for Marquette county.

Clark Dickison, Notary Public for Winnebago county.

Hugh McFarlan, George Wyatt, James Moore, Notaries Public for Portage county.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, WISCONSIN, }  
Madison, January 17, 1846. }

Whereupon, the Council confirmed the several nominations contained in said message.

**TUESDAY, January 20, 1846.**

The President announced the following communications from the Governor, to wit :

*To the Hon. Legislative Council :*

I submit the nomination of Thomas Noyes, for the office of Auctioneer, in the county of Jefferson, to the consideration of the Council.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, WISCONSIN, }  
January 20, 1846.

*To the Legislative Council :*

The following nominations are submitted for your consideration :

Edwin M. Randall, for the office of Notary Public for the county of Milwaukee ; and

Moses S. Pritchard and John L. Kimball, as Notaries Public for the county of Rock.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, WISCONSIN TERRITORY, }  
Madison, January 20, 1846.

*To the Legislative Council :*

The following nominations are submitted for your consideration :

Thomas D. Grant, as Master in Chancery.

Edward Daws, William C. Allen, Thomas McHugh, Ed-

ward Elderkin and Thomas D. Grant, as Notaries Public for the county of Walworth.

Harmanus Van Vlick, as Notary Public for Milwaukee county.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 19, 1846. }

*To the Legislative Council:*

The following nominations are submitted for your consideration :

Orson Sheldon, Louis Royce, Hiram Tuttle, Josiah Bond, Oscar F. Dana, Lorenzo Jones, John B. Jillson, Thomas J. Emerson and Hiram Sherman, as Notaries Public ; and

Mark Noble, Inspector of Provisions for the county of Racine.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, Wis. }  
January 20, 1846. }

Whereupon the Council confirmed the nominations made in the said several messages.

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**THURSDAY, January 22, 1846.**

The President announced the following communications from the Governor to wit :

*To the Legislative Council :*

The following nominations are submitted for your consideration :

John Bannister, as Notary Public for the county of Fond du Lac.

A. C. Mulliner, as Notary Public for the county of Sheboygan; and

Joel T. Fisk, as Notary Public for the county of Brown.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 22, 1846. }

*To the Legislative Council :*

I nominate A. Hyatt Smith, for the office of Attorney General for the Territory of Wisconsin.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 21, 1846. }

Whereupon the Council confirmed the several nominations contained in said messages.

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**FRIDAY, January 23, 1846.**

The President announced the following message from the Governor, to wit :

*To the Legislative Council:*

The following nominations are submitted for the consideration of the Council :

Louis P. Harvey and Augustus Quarles, as Notaries Public ;

Henry S. Durand, as Auctioneer ; and

Albert G. Northway, as Public Administrator for the county of Racine.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 23, 1846. }

Whereupon the Council confirmed the nominations contained in said message.

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**SATURDAY, January 24, 1846.**

The President announced the following message from the Governor, to wit:

*To the Legislative Council:*

The following nominations are submitted for your consideration:

George F. Markley, Theodore Prentiss and John E. Holmes,  
as Masters in Chancery;

Levi Drake, Benjamin Nute, Jacob J. Enos, John T. Haight  
and Peter H. Turner, as Notaries Public; and

Lansing White, as Public Administrator, for the county of Jefferson.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 23, 1846. }

Which nominations were severally confirmed by the Council.

**MONDAY, January 26, 1846.**

The President announced the following communication from the Governor :

*To the Legislative Council:*

The following nominations are submitted for the consideration of the Council :

Stephen Thomas, jr., William Terrel and William Baldwin, as Auctioneers ;

William Henry and M. M. Cothren, as Masters in Chancery ; and

Robert Wilson and William Henry, as Notaries Public for the county of Iowa.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, W. T. }  
January 26, 1846. }

Which were severally confirmed by the Council.

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**WEDNESDAY, January 28, 1846.**

The President announced the following messages from the Governor, to wit :

*To the Legislative Council :*

The following nominations are submitted for the consideration of the Council :

Charles Rickerson, as Notary Public ;

John Nutter, as Auctioneer for the county of Jefferson.

George W. Lakin, as Public Administrator, and alsoas Notary Public ;

William Hull, as Notary Public for the county of Grant ;

Squire Lamb and John Meyers, as Auctioneers ;

Elisha Burdick, E. B. Dean, jr., Geo. B. Smith, William H. Fox and William C. Wells, Notaries Public,

Roswell Brown, as Public Administrator ;

William N. Seymour, Master in Chancery for the county of Dane.

William Rittenhouse, Jacob Linzee and John Moore, as Notaries Public ;

Simon P. Condee and E. T. Gardner, as Masters in Chancery ;

Joseph Kellogg, Hiram Caulkins and Wm. C. Fillebrown, as Auctioneers ; and

John Blunt, as Public Administrator for the county of Green.

J. J. R. Pease, as Notary Public for the county of Rock.

George W. Mitchell, as Auctioneer for Portage county.

John H. Manahan, as Notary Public and Auctioneer for the county of Dodge.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, }  
January 27, 1846. }

*To the Legislative Council :*

The following nominations are submitted for the consideration of the Council :

Lyman E. Boomer, as Notary Public for the county of Jefferson.

Robert L. Ream, as Notary Public for the county of Milwaukee.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, }  
January 28, 1846. }

Whereupon the Council confirmed the nominations contain-



ed in said several messages except that of Hiram Baldwin, which

On motion of Mr. Knowlton,

Was laid on the table.

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FRIDAY, January 30, 1846.

The President announced the following message from the Governor :

*To the Legislative Council:*

The following nominations are submitted for the consideration of the Council :

Hiram Baldwin, as Master in Chancery ;

Daniel G. Fenton and Parsons K. Johnson, as Notaries Public for the county of Crawford.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, }  
January 29, 1846. }

*To the Legislative Council:*

The following nominations are submitted for the consideration of the Council :

Stephen R. Cotton and John Wallace Arndt, as Notaries Public for the county of Brown ; and

Elisha Steele, as Notary Public for the county of Racine.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, WISCONSIN, }  
January 29, 1846. }

Which nominations contained in said messages were severally confirmed by the Council.

Also, the following message was received :

“ The Governor begs leave to withdraw the name of Hiram Baldwin, which nomination was submitted to the Council on yesterday, for the office of Master in Chancery, for the county of Crawford, and to substitute the name of Heman Baldwin for the same office.”

The nomination of Heman Baldwin was then confirmed by the Council.

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**SATURDAY, January 31, 1846.**

The President announced the following communication from the Governor, to wit :

*To the Legislative Council :*

The following nominations are submitted for the consideration of the Council :

Eugene Turner, George Reed, Henry Rockwell, Charles A. Keeler, and Daniel Fitzsimmons, as Notaries Public for the county of Milwaukee.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, WISCONSIN, }  
January 31, 1846. }

Also, the following :

*To the Legislative Council :*

The following nominations are submitted for the consideration of the Council :

Edward Burbeck, Notary Public, for the county of Racine.

John Lowth, John R. Robinson, Clark Lawton, Joseph O. Smith, James Hanrahan, Horace D. Patch, Edward Eastman, Lawrence H. Van Buren, Matthew Norton, John S. Torrey, Stoddard Judd and Charles S. Bristol, as Notaries Public;

Hiram Barber and M. Thompson, as Masters in Chancery ;  
and

James A. Williams, as Public Administrator for the county of Dodge.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, }  
January 31, 1846. }

Which nominations were severally confirmed by the Council.

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### MONDAY, February 2, 1846.

The President announed, the following communication from the Governor, to wit.:

*To the Legislative Council :*

The following nominations are submitted for the consideration of the Council :

Leonard P. Crary, Harrison Phillips, Jacob A. Weber, and Charles P. Helfenstein, as Notaries Public for the county of Milwaukee; and

William R. Weld and James Simmons, as Notaries Public  
for the county of Walworth.

Respectfully,

HENRY DODGE.

EXECUTIVE DEPARTMENT, }  
February 2, 1846. }

Which nominations were severally confirmed by the Council.



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## **APPENDIX.**

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# APPENDIX.

## ANNUAL REPORT

OF THE AUDITOR OF THE TERRITORY.

Auditor's Office, W. T. }  
Madison, Jan. 7th, 1846. }

*To the Hon. the Legislative Assembly of the Territory of Wisconsin :*

In compliance with the law of the Territory, I have the honor herewith to submit my annual report as Auditor of Public Accounts.

Shortly after my appointment, I called upon my predecessor, Alexander Botkin, Esq., and received from him certain books and papers, which I was informed were all that belonged to the Auditor's office. No office furniture, stationery or other property, were turned over to me.

Certified statements of the amounts of the assessment rolls, quantity of lands taxed, &c. for the year 1845, have been received from all the different counties in which taxes have been levied, in the Territory, an abstract of which is hereto annexed, from which the following will appear :

Aggregate No. of acres of land assessed, 1,740,664 42-100ths  
Assessed value of such lands and of town lots

and out lots, \$7,334,536 41 6

Assessed value of improvements, 901,013 97 0

Assessed value of merchandize and stock, in  
incorporated companies, 459,758 00 0

Assessed value of personal property, exclu-  
sive of merchandize, 629,097 45 0

Amount total of assessment, 9,324,405 83 6

Total amount of tax due the Territory, 11,691 47 3



The returns from a portion of the counties did not sufficiently define the items of assessment, so that I was at a loss whether to charge the amount under the head of "merchandise" or "personal property."

I have placed it in the column of "merchandise," to which it probably belongs, and have requested the clerks of these counties to perfect their returns. Should the item mentioned belong to the "valuation of personal property," it will reduce the aggregate amount of tax due the Territory \$228, leaving a balance of \$11,463 47 3 as a revenue for the current year of 1845.

By a law of the last session, the Auditor is required to keep an account current between the Territory and the different counties thereof. The several counties have been debited with the accounts as specified in the said annexed statement.

I have the Treasurer charged with \$947 35, being the amount (as per his receipts which have been rendered to me,) paid into the treasury from the counties of Washington and Iowa, for tax of the present year, and those counties credited with the same.

By a law of the Legislative Assembly, approved February 24th, 1845, it was made the duty of the Auditor to take up and cancel all Territorial Bonds of any description, except 'Canal Bonds,' and issue warrants upon the Treasurer of the Territory corresponding with the amount due for principal and interest of such bond, at the time of cancelling the same. In conformity therewith, I have taken up and cancelled the following bonds, and issued warrants on the Treasurer of the Territory, of different denominations, corresponding in the aggregate with the principal and interest of such bonds.

No. of Bond.	By whom issued and when issued.	To whom issued.	Amounts of bond.	Amount of bond including int'rest.	When cancelled.
1	F. J. Dunn, Feb. 1841,	Josiah A. Noonan,	\$150	\$215 25	June 25, 1845.
2	" Feb. 19, 1841,	Josiah A. Noonan,	632 11½	533 92	" 25, "
6	" March	A. A. Bird,	50	73 11	" Oct. 15, "
11	" Feb.	L. F. Kellogg,	150	199 37	" June 2, "
12	" March 5,	A. A. Bird,	50	70 73	" 25, "
14	" "	A. A. Bird,	50	70 73	" 25, "
[ ]	" Feb.	J. E. Arnold,	150	215 25	" 25, "
16	" March	A. A. Bird,	50	70 73	" 25, "
21	" Feb.	N. C. Prentiss,	185	265 46	" 25, "
30	" March	A. A. Bird,	50	70 73	" 25, "
37	" "	A. A. Bird,	50	73 95	" Nov. 20, "
41	" "	A. A. Bird,	50	110 92½	" 25, "
S2	" Feb.	Abner Nichols,	9	13 32½	" 25, "

Since the last annual report of the Auditor, the following Warrants appear to have been issued by him :

No. of Warrant.	TO WHOM GIVEN.	FOR WHAT GIVEN.	Amount.	Date of War- rant.
80	B. T. Kavanaugh,	Taking the census,	\$14 47	Jan. 15, 1844.
81	A. Botkin,	In part salary as Auditor,	11 16	31, "
82	John Barr,	Apprehending fugitive,	132 23	June 6, "
83	Adm'r's estate of Z. H. Bird,	Transporting arms,	12	10, "
84	W. N. Seymour,	Fees in territorial suits,	4	15, "
85	George Messersmith,	do do do	9 19	27, "
86	do	do do do	28 57	27, "
87	John Last,	do do do	65 56	July 16, "
88	George Williams,	do do do	2	16, "
89	John Y. Smith,	Salary in part as Com'r of Public Buildings,	110	17, "
90	do	do do do	40	17, "
91	do	do and fees in territorial suits,	111 67	17, "
92	O. Aldrich,	Fees in territorial suits,	14 52	18, "
93	A. Ward,	do do	9 14	18, "
94	J. A. Bird,	As sheriff, July term, supreme court,	47 50	Aug. 3, "
95	G. P. Delaplaine,	Fees attending territorial suits,	18 60	3, "
96	La Fayette Kellogg,	Fees as clerk of supreme court in territorial suits,	2 60	5, "
97	A. Botkin,	Salary in part as Auditor,	15	31, "
98	do.	do do	5	Oct. 2, "
99	J. A. Noonan,	Fees attending territorial suits,	11 24	24, "

100	Lester H. Cotton,		16	44	Oct. 24, 1844.
101	Jefferson Kinnie,		11	24	24, "
102	A. Botkin,	Fees attending territorial suits,	5		31, "
103	do	do do	5		July 8, 1845.
104	S. Mills,	Transporting witnesses in territorial suits,	31	10	8, "
105	J. Morrison,	Salary as Treasurer, stationery, &c.	75	50	9, "
106	A. Botkin,	Salary in part as Auditor,	5		24, "
107	George McWilliams,	Fees in territorial suits,	22		Feb. 24, "
108	A. Botkin,	Salary in part as Auditor,	5		24, "
109	J. Morrison,	do do Treasurer,	7	50	24, "

The following is a statement of Warrants issued by me, since I entered upon the duties of the office, in accordance with the various laws authorizing the payment thereof, from the Treasury of the Territory.

No. of Warrant.	To whom issued.	For what given.	Amount.	When issued
110,	W. W. Wyman,	Printing the census of 1842,	16	Mar. 11, '45.
111,	D. M. Whitney,	Pay as Brigadier Inspector,	24	" 24, "
112,	Charles Tullar,	Fees as Sheriff in territorial suits,	8 27	" 24, "
113, 114, 115, 116, 117, 118, 119,	Le Grand Rockwell	Fees as Clerk dist. court Walworth co., territorial suits,	101 75	April 5, "
120,	Harrison Reed,	Publishing Gov'r's proclamation of sale canal lands and postponem't,	43	" 19, "
121, 122, 123, 124, 125, 126, 127,	L. F. Kellogg,	Principal and int'st bond No. 11, issued by F. J. Dunn, Sec'y in '41,	199 37	June 2, "
128, 129, 130, 131, 132, 133, 134,	Seth Rees,	Fees as Sheriff of Brown county in territorial suits,	2 39	" 25, "
135, 136, 137, 138, 139, 140, 141,	Alex. Mitchell,	Principal and interest of bonds No. 1, 2, 16, 21 and 30, issued by F. J. Dunn, late Sec'y, in 1841,	1371 34	" 25, "
142, 143, 144, 145, 146, 147, 148,				
149, 150, 151, 152, 153, 154, 155, 156, 157,				
158, 159, 160, 161, 162, 163, 164,	B. C. Eastman,	Principal and interest of bond No. 12, issued by F. J. Dunn, 1841,	141 46	
165, 166,		Balance due for part year's salary as Adjutant General,	71 52	" 26, "
167, 168, 169,	W. R. Smith,			

170, 171, W. A. Prentiss,			8	Aug. 1, '45.
172, 173, 174, J. T. Clark,		Principal and interest of bond No. 6, issued by F. J. Dunn, 1841,	73 11	Oct. 15, "
175, 176, 177, 178, Beriah Brown,		Principal and interest of bond No. 37, issued by F. J. Dunn, in 1841,	73 95	Nov. 20, "
179, 180, W. J. Tilley,		Principal and interest of bonds Nos. 41 and 82, issued by F. J. Dunn, in 1841,	133 25	

The Auditor is unprovided with the necessary furniture for the safe keeping and preservation of the books and papers belonging to his office, with that degree of order and safety their importance demand.  
All of which is respectfully submitted.

GEO. P. DELAPLAINE, Auditor.



**Aggregate Statement** of Assessment Returns for the year 1846  
of an act of the

COUNTIES.	Aggregate No. of acres.		Assessed value of such lands and of town and outlots.			
	Acres.	H.	\$	C.	M.	
BROWN,	112,798	92	300,514	48	1	
CALUMET,	37,494	49	106,319	98		
CRAWFORD,	12,558		59,960			
DANE,	181,231	33	414,194	25		
DODGE,	107,535	34	171,050	60		
FOND DU LAC,	56,895	77	126,900	54		
GRANT,	262,270	68	666,477			
GREEN,	114,570	97	283,304	96		
IOWA,	248,474	53	551,088	25		
JEFFERSON,	128,907		416,419	19		
MANITOUWOC,	57,582	45	127,549	16		
MARQUETTE,	20,004	83	36,971			
MILWAUKEE,	305,931		1,076,163			
PORTAGE,	62,663	30	85,227	30		
RACINE,	310,041	72	899,673	76		
ROCK,	237,234	75	599,584	28		
SAUK,	5,620	2	31,673	66		
SHEBOYGAN,	71,657	87	114,171	47	5	
WALWORTH,	269,279		858,647	94		
WASHINGTON,	139,466		393,810			
WINNEBAGO.	8,452	45	14,834	50		
	2,740,664	42	7,334,536	41	6	

AUDITOR'S OFFICE, January, 1846.





# ANNUAL REPORT

OF THE TREASURER OF THE TERRITORY.

*Treasurer's Office, W. T. }*  
*Madison, Jan. 6th, 1846. }*

*To the Hon. the Council and House of Representatives of the Territory of Wisconsin :*

In compliance with the requirements of law, I have the honor herewith to submit the following

## REPORT:

Soon after my appointment and qualification as Treasurer of the Territory, I received from James Morrison, late Treasurer, the books and papers belonging to the Treasurer's office, but received no standard weights and measures, and I am not advised whether any have ever been provided for the use of the office as required by law.

There are now in my hands duplicate receipts, executed by the following named persons to Alexander P. Field, late Secretary of the Territory, and deposited with the Treasurer, in conformity with an act of the Legislative Assembly approved February 15, A. D. 1842, viz:

Lorenzo James,	\$261 00	W. Mygatt,	\$25 00
D. A. J. Upham,	283 00	Henry O. Sholes,	10 00
J. F. Potter,	210 00	Simeon Mills,	60 00
J. F. Mead,	270 00	A. P. Field,	1160 00
John Graham,	175 00	T. P. Burnett,	250 00
W. S. Dearing,	175 00	James Morrison,	125 00
T. J. Emerson,	126 00	Simeon Mills,	5 00
Catharine Arndt,	204 00	A. P. Field, (as Sec.)	3500 00
W. D. Daggett,	733 35	Calvin Frink, (on	
Harrison Reed,	100 00	Gov'r's order,)	200 00
Boyd Phelps,	200 00	C. S. Reader,	13 00
George Hyer,	150 00	S. Yates Scoville,	145 00
Charles C. Sholes,	4819 07	James Morrison,	93 19
La Fayette Kellogg,	26 00		
James A. Hibbard,	15 00	Total,	\$13,304 11

I also received of the late Treasurer the sum of thirty-two thousand four hundred and five dollars and sixty-seven cents, in bonds, scrip, Auditor's warrants, Adjutant General's drafts, &c. ; of which, the sum of twenty-nine thousand, eight hundred and sixteen dollars and twenty-three cents have heretofore been "cancelled" by a committee of your Hon. bodies ; leaving the sum of two thousand five hundred and eighty-nine dollars and forty-four cents in my hands, subject to the future action of the Legislative Assembly.

From the books belonging to the office, as received from the late Treasurer, there appears to be due the Treasury, from several counties of this Territory, the sum of one thousand two hundred and seventy dollars and forty-nine cents, not including the tax assessed for the year A. D. 1845, as follows, to wit :

COUNTIES.	Amount.
From the county of Crawford,	\$183 72
"    "    Green,	210 94
"    "    Jefferson,	35 33
"    "    Walworth,	143 50
"    "    Racine,	428 74
"    "    Grant,	74 70
"    "    Sheboygan,	69 17
"    "    Dodge,	50 44
"    "    St. Croix,	16 63
"    "    Portage,	31 27
"    "    Sauk,	26 05
Total,	\$1270 49

Since entering upon the duties of my office, there has been received into the Territorial Treasury, from various sources, the sum of one thousand nine hundred and twenty-three dollars and sixty-nine cents, in the following items of territorial indebtedness, to wit :

In Auditor's warrants,	\$356 77
In scrip issued by Secretary and Treasurer, under act of Legislative Assembly, approved Feb. 15, 1842,	1103 55
In bonds issued for the completion of the Capitol, including interest thereon,	426 57
Bonds issued by F. J. Dunn, Esq., late Secretary,	36 80
Total,	<u>\$1923 69</u>

I have the honor further to state, that a portion of the scrip which has been received into the Treasury in payment of territorial dues, which has heretofore, by a committee of your Hon. bodies, been "cancelled," has, as I am advised, been audited by the Treasury Department of the United States, under an act of Congress to provide for the payment of arrearages of the several sessions of the Legislative Assembly of this Territory, and that the money for the payment of the same is now in the hands of the Secretary of the Territory.

Since the cancelling of the scrip was but an act on the part of the Legislative Assembly to prevent it from being again put into circulation, it cannot, it is believed, so far cancel or destroy it as to relieve the United States from their indebtedness. The scrip having passed from the hands of the original holders to the Treasurer, it is evident that the United States now owe the amount to the Territory, and their readiness to pay is clearly manifest by the amount having been placed in the hands of the Secretary of the Territory.

I would therefore most respectfully suggest the propriety of passing a law or joint resolution, authorizing the Treasurer to present to the Secretary such scrip, whether cancelled or not, as he has been authorized to pay, and receive from him the amount due therefor.

I would further ask your Hon. bodies to make an appropriation sufficient to purchase a suitable safe, for the use of the Treasurer's office.

All of which is respectfully submitted.

JONATHAN LARKIN, JR.,  
Territorial Treasurer.

## COMMUNICATION

OF THE ATTORNEY GENERAL, A. HYATT SMITH.

*To the Honorable the Council of the Territory of Wisconsin :*

In compliance with a call of the Council, in the words following :

“ *Resolved*, That the Attorney General be instructed to report to the Council, whether he has reason to suppose that any real estate in the Territory has accrued to the Territory, for the want of heirs to inherit the same, if so, what it is, its supposed value, and the facts on which he founds his opinion.”

I have the honor to report that James T. Watson, late of the city of New York died seized of about two thousand four hundred acres of land lying in towns two and three, in ranges ten and eleven. These lands lie in the county of Rock, about twelve miles west of Janesville. They are well timbered and surrounded by prairie, and are supposed to be worth from fifteen to twenty thousand dollars. The said lands are supposed to have accrued to the Territory for want of heirs to inherit.

The facts on which this opinion is founded are these: James T. Watson died leaving no relatives surviving nearer than second cousins.

Computing by the rules of the civil law, second cousins stand in the fifth degree removed from the deceased, and brother's and sister's children in the third degree.

The following section of the revised statutes applied to these facts will furnish the Council with my reasons for supposing that these lands have accrued to the Territory.

“ Sec. 38. When any person shall die seized of lands, tenements or hereditaments not by him devised, the same shall descend in equal shares to and among his children and such as legally represent them (if any of them be dead,) and

in every case where children shall inherit by representation, it shall be in equal shares ; and where there are no children of the intestate, the inheritance shall descend equally to the next of kin in equal degree, and those who represent them, computing by the rules of the civil law. No person to be considered a legal representative of collaterals beyond the degree of brother's and sister's children ; and for want of heirs the estate shall accrue to the Territory."—[Revised Statutes, page 184.]

All which is respectfully submitted.

A. HYATT SMITH.

MADISON, January 13th, 1846.

representa

1800.

No. &c. without additional.	No. &c. with 1 ad.
1	1
1	1
1	1
2	3
3	3
2	1
6	6
6	6
4	7
2	1
1	1
5	5
2	2
8	8
1	1
5	5
2	2
2	2
2	2
7	7
4	4
1	1
2	2

**Table** exhibiting the number of Delegates

NAMES OF COUNTIES, in alphabetical order.	Estimated pop- ulation in each county.	1000.	1100.	1200.	1300.
		No. of delegates without one addi- tional for each co. No. of delegates with one addi- tional for each co.	No. &c. with 1 ad- ditional.	No. &c. without 1 additional.	No. &c. with 1 ad- ditional.
BROWN,	2,500	4	3	3	2
CALUMET,	800	2	1	2	1
CHIPPEWA,	800	2	1	2	1
CRAWFORD,	3,000	4	3	4	3
DANE,	4,500	6	5	5	4
DODGE,	5,000	6	5	5	4
FOND DU LAC,	1,800	3	2	3	2
GRANT,	10,000	11	11	10	9
GREEN,	5,000	6	5	5	4
IOWA,	10,000	11	11	10	9
JEFFERSON,	5,000	6	5	5	4
LA POINTE,	1,500	3	2	2	1
MANITOUWOC,	600	2	1	2	1
MARQUETTE,	600	2	1	2	1
MILWAUKEE,	25,000	26	25	24	23
PORTAGE,	2,000	3	2	3	2
RACINE,	12,000	13	12	12	11
RICHLAND,	100	1	1	1	1
ROCK,	7,000	8	7	7	6
SAUK,	1,100	2	1	2	1
SHEBOYGAN,	1,200	2	1	2	1
ST. CROIX,	1,500	3	2	2	1
WALWORTH,	10,000	11	10	10	9
WASHINGTON,	5,500	7	6	6	5
WINNEBAGO.	500	2	1	1	1
<b>TOTAL,</b>	<b>117,000</b>	<b>146</b>	<b>122</b>	<b>133</b>	<b>110</b>





## REPORT

OF SELECT JOINT COMMITTEE ON THE SUBJECT OF STATE GOVERNMENT.

The Joint Select Committee, to whom was referred so much of the Governor's Message as relates to the formation of a State Government, together with all petitions and documents pertaining to that subject, beg leave to make the following

### REPORT :

A change from a Territorial to a State Government contemplates an important period in the political history of Wisconsin. The character of our future institutions, and their adaptiveness to the best interests of our population, will essentially depend upon the course of governmental policy pursued by the people in the formation of a new government. Whatever may have been the opinions heretofore maintained by the majority of the people in relation to the expediency of forming a State Government in Wisconsin, it is believed that circumstances which have transpired within the past year have produced a very general change in the public mind in favor of severing our Territorial dependency on the General Government, and of assuming the rank and political standing to which we are entitled among the great family of States. Events which transpired during the last session of Congress, indicate a disposition on the part of the General Government to withhold from us the usual appropriations for the payment of our legislative expenses. Wisconsin is evidently regarded as having arrived at a period when she is capable of taking care of herself, and when a sense of self-respect should induce her to throw off her territorial dependence.

Your committee will proceed to notice briefly the considerations which in their opinion should influence the people of this Territory to the formation of a State Government with as

little delay as their safety and convenience will allow. It is important that all of our preliminary action should be guided by calm deliberation, and that in every step we take towards the formation of a new government, the wisest of counsel should prevail. We should be neither hasty or precipitate in the adoption of measures; nor, on the other hand, should we be too reluctant to assume the responsible duties of freemen, in the exercise of the prerogative of self-government.

In considering the expediency of going into a State Government, the first question which naturally suggests itself to the minds of the people is, what will be gained by the change? If our taxes are to be increased, and the burdens of government are to fall more heavily upon us on becoming a State, than by remaining a Territory, then why not remain in our present condition? While your committee believe that the question of forming a State Government should not be regarded as one of mere dollars and cents, they nevertheless believe it can be made to appear that the pecuniary gain of Wisconsin will be greater by the change than the pecuniary loss; and that the deprivation of the amount we annually receive from the General Government will be more than balanced from other sources. To calculate properly the loss and gain of a change from our Territorial condition to that of a State, it may be well to particularize the pecuniary advantages we derive from the General Government, as well as the advantages we may expect to gain by becoming a State. The average amount received from the General Government for the payment of Legislative expenses, for the last four years, has been \$16,812 per annum. The appropriations for the expenses of the Executive department, for salaries of judges, courts and jurors, average about \$21,500 per annum; making the total average amount annually received by the Territory from the General Government a little over \$38,000 for the period before mentioned. The foregoing embraces all the pecuniary benefits the Territory receives from the General Government. The appropriations made by Congress for the payment of Legislative expenses have been annually diminishing since 1842, and there is no reasonable expectation of their again being increased to

Your committee having enumerated the pecuniary advantages which the Territory derives from the General Government, will now proceed to mention the several pecuniary benefits to be gained by going into a State Government. We shall on our admission into the Union obtain a title to *five hundred thousand* acres of land, which is equivalent to an investment in cash of \$625,000 for the benefit of the State. The profits on this investment cannot be calculated with any degree of certainty; various opinions are entertained as to the prospective increase in value of the most desirable public lands which are now offered for sale in the Territory. There are many who believe that large investments might at the present time be made in lands which would be worth twenty per cent. per annum, while others believe that seven per cent. is all that could be safely calculated upon. It is not to be expected that these lands will be located for the benefit of the State with the shrewdness which a capitalist would exercise for his individual interest; but your committee believe that six per cent. is as low an estimate as any one would be disposed to make, especially when it is taken into the account that the lands belonging to the State will not be subject to taxation. Six per cent. then, on an investment of \$625,000, would amount to \$31,250 per annum. It is true that this amount would not be made available annually; nevertheless it would be an annual accumulation to that amount to the original capital, which the State would in due time be sure to realize. The public lands in Wisconsin are rapidly being bought up, and the longer the formation of a State Government is delayed, the less will be the opportunity for making good selections for the State. The proceeds of these lands may be appropriated to such objects as the people may determine. The constitution of Iowa, adopted by the convention of her delegates in November, 1844, directed that the 500,000 acres of land to which the State was entitled should remain a perpetual fund, the interest of which should be inviolably applied to the support of common schools. Wisconsin would do well to make a like disposition.

Wisconsin will be entitled to receive five per cent. of the nett proceeds of the public lands sold within her limits from

and after the time of her admission into the Union. The amount of purchase money received for public lands in this Territory during the year 1844 was \$332,292 24. Your committee have not the authentic statements for 1845, but believe the amount does not fall short of \$500,000. How much should be deducted from this amount for expenses of sale and other contingencies, your committee have not the information at hand for determining ; but assuming the nett proceeds to be \$450,000, the five per cent. would amount to \$22,500. To this five per cent. sum, Wisconsin would have been entitled for the year 1845, had she been an independent State—a sum greater by some thousands than the average appropriation made by Congress for the payment of Legislative expenses for the past five years. Whether the sales of the public lands will be increased or diminished hereafter, cannot be definitely stated ; but it is reasonable to presume that the amount of sales will not materially lessen for the next three or four years.

In addition to the advantages of a pecuniary character already mentioned, which will be gained by going into a State Government, the full control and disposal of our school lands is a matter of great importance to the people of the Territory. The sixteenth section of every surveyed township has been set apart by Congress for the encouragement and support of common schools. There have been sold of public lands in the Territory over 3,000,000 acres, and permanent settlements have been made in more than three hundred of the surveyed townships. In many of these townships the settlements are of course sparse, and the school lots of but little if any more value than government lands ; but in the southern part of the Territory, many of the school lands are already valuable ; and if the people had any authority to make any permanent disposition of them, many of the school sections might immediately be made available for educational purposes. Whenever Wisconsin becomes a State, the Legislature will have power to fix upon some settled policy in relation to our school lands ; and as soon as permanent leases or conveyances can be made, many of them will doubtless soon yield a revenue which will greatly aid the cause of education.

The lands also which are granted by Congress for the establishment of a University, cannot well be placed in a condition to be made available until we become a State. The number of acres granted by the General Government for this object is 46,080. A part of the University lands which were located a number of years ago, are now becoming valuable, and when we enter into the Union the title to them will be vested in the State, and the Legislature will have authority to sell or lease them, as may be deemed most advisable.

Assuming that Congress extends to us on our admission into the Union the same liberality which has been extended to other new States, we shall obtain still further grants of land besides those already named. So far then as the question of pecuniary profit is concerned, we shall be greatly the gainers by foregoing all that we now receive as a Territory, and by receiving that to which we are entitled under a State sovereignty.

The probable cost of supporting a State Government in Wisconsin cannot be arrived at with any considerable degree of accuracy. The people have it in their power to establish a plain, republican, and economical government, if they desire it, and doubtless it is their will to establish such an one. The compensation for performing the duties of the offices in the different departments of our government, should be neither penurious or extravagant. In a republican government there must always be personal sacrifices for the general good; and if the time shall ever come when rendering the State a service will be measured strictly by the pecuniary consideration given, our free institutions will cease to exist.

The cost of State Government differs widely in different States of the Union, which are nearly equal in population. It does not appear that the laws are more salutary or better administered in expensive governments than in those of a cheaper character. The constitution which was framed by the people of Iowa, but subsequently rejected in consequence of an alteration of the boundaries of the State by Congress, contemplated a State Government with biennial sessions of

the Legislature, at a cost of about fifteen thousand dollars per annum. It appears however to be very generally admitted that Iowa fixed the salaries of many of her public officers too low, and that she contemplated too cheap a government; nevertheless, the constitution of Iowa may help to form something of an estimate of the expense of a State Government in Wisconsin. The compensation allowed to the Judiciary of Iowa appears to be the objectionable feature of the constitution framed by the convention; the salaries allowed to the other officers of the government are probably nearly what they should be. Adding then \$5,000 more for the better payment and organization of the Judiciary, than was allowed by Iowa, and it will make the cost of a State Government with biennial sessions of the Legislature about \$20,000 per annum; annual sessions of the Legislature would increase the expense of government from fifty to seventy-five per cent. The assessed valuation of taxable property in this Territory for the year 1845, is \$9,324,405. A tax therefore of less than four mills on the dollar would defray the expenses of the government with annual Legislative sessions, provided the State during the first year of its existence was obliged to raise every dollar of its expenses by direct taxation. An increase of direct taxation for the support of government must necessarily follow during the first years of our State independence; but as has already been shown, the people will have become the possessors of a capital, the increase value per annum of which will be much greater than the amounts which they will be obliged to raise by taxation. No new State ever came into the Union possessed of available revenues sufficient to pay the expenses of its government; and however long Wisconsin might think proper to protract the period of her admission into the Union, she could not expect to be prepared to meet the expenses of new government without taxation. The General Government provides the new States upon their setting up a government for themselves, with an outfit in lands, which are not so liable to be improvidently squandered as money, but which may be made available and rendered a sure and permanent resource for the benefit of the people.

Your committee thus far have discussed only the pecuniary considerations which bear upon the question of State Government. There are other benefits of an important character which commend themselves to the attention of the people. Our political weight and importance as a State would give us decided advantages over our present Territorial condition. We are now a dependency—our political condition is one of mere sufferance; every law passed by our Territorial Legislature is subject to the supervisory power of Congress. Our Governors and our Secretaries are appointed by the President; nor have the people of the Territory any voice whatever in the appointment of their Judges. The Judiciary is the most important branch of the government, yet it must always be defective until placed within the reach of the sovereign people. Whatever abuse may exist in the administration of law by our highest tribunals, the people are obliged to submit, there being no means within their power of procuring a reform. Our relation to the government of the United States is one of entire dependence, and we are to be obliged to take the attitude of suppliants to procure annual supplies from Congress to maintain our Territorial Government. We have no voice in the governmental affairs of the Union; no matter how momentous the question at issue, we have not a single vote to cast. By becoming a State, we at once become invested with rights and privileges which are held invaluable by a free people; in the Senate of the United States our numerical strength would be as great as that of any State however populous in the Union. In the House of Representatives, we should not only have a voice, but a vote, on every question pertaining to the welfare of the Union or the interests of Wisconsin. In matters of commerce, agriculture, mining, and whatever else concerns this portion of the great West, the wishes of our population would be fully represented; the necessity of harbors on our lake coast, the improvement of our river navigation, and other works of national importance, could then be more successfully urged upon the attention of Congress. Whenever the political influence of the people of Wisconsin can be brought to bear upon our



Presidential elections, and upon the decisions of our National Legislature, then she will no longer be treated as an inferior, but as an equal, and then will her political power be courted, instead of its being treated, as it now is, with indifference.

The influence which a State Government would have in correcting many of the evils and abuses which have hitherto been attendant upon our Territorial form of government must be apparent to all. It is a republican maxim that all good governments must derive their just powers from the consent of the governed : whenever a government in any of its departments is entirely beyond the reach of the ballot box—when the people are deprived of the proper exercise of their legitimate sovereignty—abuses of power will inevitably be the consequence. An immediate responsibility of the government to the people is the true safeguard of the people's rights. We have abundant proof of the profligate tendency of a Territorial Government ; no rigid system of economy can be enforced until all the tax payers in Wisconsin are interested in every dollar of public expenditure. That the tendency of our Territorial Government is calculated to foster habits of dissoluteness and extravagance, no one can deny ; our Territorial officers seem to regard it as a part of their duty to use up the funds which are annually appropriated by Congress ; and hence the length of our legislative sessions has been governed more by the amount of our annual appropriations, than by the amount of business to be done. Unless all the acknowledged maxims of morals are false, the tendency of these things must be pernicious. Under a State Government, the people will exercise a more strict observance over the acts of their public servants ; no wasteful expenditures will be treated with complacency ; every department of the government will be held accountable to the people, and dishonesty will be more likely to meet its just rebuke at the ballot box. If the people wish to enjoy all the rights and privileges that appertain to freemen, and give to Wisconsin the true attributes of sovereignty ; if they wish to exercise their proper franchise in the election of their rulers, they must assume the rank to

which they are entitled among the independent States of the Union.

The confused and uncertain condition of our laws, is another argument which should influence the people to the formation of a State Government. Our Territorial legislation is now regarded as only temporary. The necessity of a revision of our laws is felt and generally acknowledged; yet no one pretends that this desirable object will be accomplished until we become a State. Aside from other laws, those alone which relate to our common schools imperiously demand attention. The condition of our common schools is far from being creditable, and there is but little prospect of any permanent improvement while we remain a Territory. We have no plan for common schools deserving the name of system, and the prevailing sentiment is, that no effective system of education can be devised until we become a State. Wisconsin is hazarding much by neglecting the instruction of the rising generation; it may take years of arduous and persevering effort to repair the wrong. Without early and vigorous action to raise higher the standard of education, the prospective destiny of the State is dark and unpromising.

Whatever force there might have been in the objection heretofore urged, that our population was too small to form a State Government, it certainly now has but little plausibility. The present number of inhabitants in this Territory probably does not fall short of 115,000, and should we come into the Union in the early part of the year 1847, we shall have a greater population at the time of our admission, with a single exception, than any of the new States which have preceded us since the confederation of the original thirteen.

There will probably never be a more favorable period for Wisconsin to come into the Union than the present. The political balance of power between the South and the North is now placed in an attitude which excites very general attention and solicitude throughout the Union. Florida and Texas have come into the great family of States, and the interests of the Republic seem imperiously to demand a speedy admission of Wisconsin. As great and momentous

as are the questions growing out of Northern and Southern interests, it is not strange that the entire North is now inviting us to throw off our Territorial Government, and to assume the rights that pertain to a free and independent State.

By order of the Committee.

M. FRANK,

## REPORT

OF THE COMMITTEE ON INTERNAL IMPROVEMENTS IN RELATION  
TO JOHN ANDERSON'S CLAIM.

The committee on Internal improvements to whom was referred the memorial of John Anderson in relation to his claim against the Territory for building a dam on the Milwaukee and Rock River Canal, having given the subject such consideration as their limited time would admit, submit the following

### REPORT :

The committee find that a contract was entered into in due form, on the 8th day of October 1840, between the memorialist of the one part and the Milwaukee and Rock River Canal Company, of the other part, for the construction of a dam across Milwaukee river, on section No. 54 of the line of said canal. The contract was approved on the 30th of October, 1840, by George H. Walker, Esq., acting canal commissioner, pursuant to section sixteen of the "act to aid in the construction of the Milwaukee and Rock River Canal," approved February 26, 1839, as appears by the endorsement of said commissioner on the back of said contract now in the possession of the committee. By the terms of the contract the said memorialist was to construct and complete said work within the year 1841, according to the plan and specifications particularly set forth therein, and was to receive therefor the sum of twelve thousand dollars. In regard to the time and mode of payment it was stipulated and agreed as follows :

" And it is further agreed that monthly estimates shall be made of the amount of work done which shall be paid to the said party of the first part within ten days from the date of each estimate, deducting ten per cent. from the amount of each until the whole amount of work done, shall be equal to two thousand dollars ; after which the payments shall be made within four years of each estimate, with interest at the rate of 7 per cent. per

annum; the whole amount to be paid in manner aforesaid for work specified in this contract being twelve thousand dollars, which is to cover all costs or value of materials used and all labor and workmanship required in the completion of the work."

Mr. Anderson sets forth in his memorial now before the committee, "that he proceeded in the construction of said dam and completed the same agreeably to contract in the year 1842, and received his final estimate therefor, dated November 10th, 1842, after the work had been finished and accepted by the engineer." Of the correctness of this statement and of the full completion and acceptance of the work, the committee have no reason to doubt. All the various documents and vouchers in relation to the work done and money expended on this canal generally, were laid before the committee on Internal Improvements of the House of Representatives, at the last session, and appear to have been fully and carefully examined by said committee. In relation to the matter in question that committee say, in their report, [House document, page 379.]

The two thousand dollars (on the Anderson contract) were paid as follows:

1841.	May 1,	By Canal Commissioners,	\$607 50	
"	June 1,	" " " "	495 00	
"	July 14,	" " " "	505 00	
"		" B. Kilbourn, Loan Agent	392 00	\$2000 00

The estimate interests under this contract were made from time to time until the job was completed, and are as follows:

1841.	April 30,	Unp'd on est. of this date	\$67 50	
"	June 1,	" " " " " "	55 00	
"	July 1,	Am. of w'k done as prest.	1000 00	
"	" 14,	Unp'd on est. of this date	56 11	
"	August 1,	" " " " " "	1000 00	
"	Sept. 1,	" " " " " "	1500 00	
"	" 30,	" " " " " "	43 00	
"	Oct. 2,	Amount of work done as per estimate	1527 78	
"	" 30,	Amount of work done as per estimate	1750 00	
"	Nov. 30,	Amount of work done as per estimate	4000 00	
1842.	Jan. 31,	Amount of work done as per estimate	1112 00	
"	Nov. 10,	Amount of work done as per estimate	108 00	\$10,000 00

These several estimates will fall due on the expiration of four years from their date respectively with interest at the rate of seven per cent. per annum. The interest which has accrued up to the last day of December ult. is two thousand and one hundred and eighty-eight dollars and seventy-eight cents."

In addition to these statements deliberately made and reported to the House of Representatives and approved by it at its session, it appears that the Legislative Assembly afterwards in a memorial to Congress, approved February 24, 1845, represent the canal debt as follows: "There are now outstanding *direct liabilities against the Territory* on account of the canal to the amount of \$15,059 43." The general sum here recognized as a direct liability of the Territory, embraces the amount due the memorialists with the interest as above stated, together with a number of other small claims, which were provided for in the act in relation to the canal land, passed at the last session, and which have been since paid out of the canal fund.

The committee cannot doubt the full intention of the last Legislative Assembly, in view of the report of that committee and of the documents and evidences before them, to recognize the debt of Mr. Anderson as a just and legal claim against the Territory, which ought to be provided for and paid out of the proceeds of the sales of the canal lands, nor can the committee discover any reason drawn from the transaction itself which warrant a different conclusion. In pursuance of a law of the Territory an individual entered into a solemn contract for the performance of a public work, in aid of which Congress had made a special donation of land, and the Territory had consented to become its trustee in disposing of the land and applying the proceeds to the purpose intended. The acting canal commissioner, approved by the Territory and acting on its behalf in pursuance of law, examined and approved the contract. The contractor entered upon and faithfully completed the job, and during the progress of the work an engineer of the Territory appointed in conformity to law, made the requisite estimates, and the canal commissioners acting

upon these estimates, made payment to the contractor, from time to time, out of funds procured by the Territory, to the amount of over \$1600, and the loan agent of the Territory paid the balance of \$2000, in completion of all the cash payments required by the contract. What acts or circumstances can be conceived holding out stronger inducements to a contractor, to confide in the good faith of a public body, and go forward in the completion of a public work? The committee believe that it will not be contended in any quarter that Mr. Anderson did not in good faith enter into his contract, or that he has not in equal good faith fulfilled it by his private means, both in substance and in spirit. The unfortunate difference between the officers and agents of the Territory in regard to the canal fund, which have so prominent a part in the subsequent history of the canal, all occurred *after* the making of Anderson's contract, and after he had performed a considerable portion of the work. His legal liabilities were then upon him and all the part he has borne in these unhappy differences was to be made a sufferer by reason of the failure of the commissioners to pay the instalments and interest, which from time to time became due to him under his contract and the estimates of engineers.

The committee have no disposition to assume doubtful claims, because they are chargeable on a fund furnished to the hands of the Territory by the bounty of the General Government, they regard the claim of the memorialist as a just and honest debt which the Territory owe and ought to pay, and they see no reason why payment should be refused or delayed. There can be but one sound rule on this subject. Public bodies should meet their obligations. The power to withhold furnishes no excuse for refusing to pay. What would be wrong in an individual debtor is both wrong and oppressive in a government. Honor, good faith and sound policy alike demand of the Territory to ascertain carefully and accurately all of its just liabilities and then acknowledge them manfully and provide for them at the earliest period practicable. In the present case the memorialist waited long on the payment to him of what he had faithfully earned and greatly

needed. The committee therefore recommend that provision be made by law for the payment of the whole amount due on his contract, including the interest, out of the first proceeds of the sales of the canal lands and they have accordingly prepared a bill for that purpose, which they ask leave to introduce herewith.

MOSES M. STRONG,  
CURTIS REED,  
RANDALL WILCOX.



## REPORT

### OF THE COMMITTEE ON THE JUDICIARY ON JOHN ANDERSON'S CLAIM.

The committee on the Judiciary to whom was referred the memorial of John Anderson relative to his claim for building a dam across the Milwaukee river, the report of the committee on Internal Improvements on the same, and bill No. of Council file entitled, "a bill to provide for the payment of John Anderson, submit the following

#### REPORT :

It appears by the act incorporating the Milwaukee and Rock River Canal Company, approved January 5th, 1838, that said company is as independent of the Legislature, as any other incorporated company, with the exception that the Legislature reserved the right to the future State of Wisconsin to purchase the canal which might be constructed by said company, on certain terms. Said act also provided that if any lands should be given by Congress to aid in the construction of said canal, the same should vest in the State of Wisconsin.

By an act of Congress approved June 18th, 1838, certain lands were granted to the Territory for the purpose of aiding in opening such canal and for no other purpose.

The sixth section of said act of Congress is as follows :

"That the said State of Wisconsin shall be held responsible to the United States, and for the payment into the treasury thereof of the amount of all moneys received upon the sale of the whole, or any part of said land at the time at which the same shall be sold, not less than two dollars and fifty cents per acre, if the said main canal shall not be commenced within three years, and completed within ten years, pursuant to the provisions of the act creating said canal corporation."

It is also provided in said act of Congress that Wisconsin, when it shall become a state, shall be entitled to as many

shares of stock in said canal company, as the proceeds of said land which shall be applied in the construction of the canal, shall amount to.

The Legislature of the Territory, by an act approved February 26th, 1839, made provisions for procuring a loan upon a pledge of said lands and their proceeds, and also for a sale of said lands, and that the proceeds thereof, and the money obtained on such loan, might be applied in aid of the construction of said canal. And as the future state was to have the right of purchasing out said canal entirely, the Legislature for the purpose of providing that it should be economically and judiciously constructed, assumed a sort of supervision over the work and enacted in the sixteenth section of the last mentioned act "that the acting commissioner should under the direction of the board of canal commissioners, examine and approve all contracts made with the canal company for the supply of materials and the performance of labor."

But in order to show conclusively that they did not intend to make the Territory liable for any part of the work done on the canal, but merely to advance money in *aid* of the same, at their own option, they declared in the twenty third section of the same act as follows, viz :

"Nothing in this act contained shall be construed to confer any powers, rights or immunities upon the President, Directors and company of the Milwaukee and Rock River Canal Company, in addition to such as may be granted in and by their act of incorporation, nor shall it be construed to imply any pledge that the Legislature may not at any time hereafter by law declare in what manner the moneys borrowed, or the amount to be received on sale of the lands herein provided for shall be appropriated or expended, but the Legislature may at any time alter, amend or repeal this act, or any of its provisions, except so much thereof as relates to the reimbursement of the several sums of money which may have been borrowed in pursuance with the provisions of this act."

Your committee are satisfied from the whole legislation with reference to this canal question, that the Territory never undertook to construct the said canal, or any part thereof, or made

itself liable for one dollar expended thereon, except so much as has been legally obtained on loans, where the faith of the Territory is pledged, and except its liability to the General Government. The last section shows conclusively that the canal company could not by any act of theirs involve the Territory in debt. The sole object of the approval by the acting canal commissioner of contracts made with the canal company, was to provide that the future State of Wisconsin should not be compelled to pay more than the canal was worth, if she should desire to purchase. It would have been his duty under the law to have approved of any and all contracts which the company might have made even to the amount of a million of dollars, provided that the same would have been beneficial to the company. The capital stock of the company was one hundred thousand dollars, with a privilege of increasing it to one million of dollars. Yet whatever contracts might have been made to invest that stock in the construction of the canal, it would have been the duty of the acting canal commissioner to have approved of them if they had been beneficial to the company.

John Anderson's contract was with the canal company solely. His remedy against it is perfect, and can be at any time enforced. There was no priority of contract between him and the Territory. The approval by the Territory of his contract was an arrangement merely between the Territory and the canal company, and made solely with reference to regulating the business between the canal company and the Territory, and entirely without reference to their persons. Were the Territory suable like an individual, what proceeding at law or in equity could he maintain against it? What would be the form of action? None whatever. His claims are no better than the canal company would have had, if they had paid him, as they were bound to do. Yet no one has contended that the Territory is bound to purchase out the canal company merely because it has reserved the right for the future State to do so. That right is entirely optional with the future State.

The construction of the canal is now, and has been for years hopelessly abandoned. It is generally conceded to have been

a foolish and impracticable scheme. The Territory has become liable to pay to Congress two dollars and fifty cents for every acre of the canal lands which has been sold. This debt is as sacred as if it were owed to an individual.

The memorialist asks to be paid out of the moneys raised on a sale of the canal lands. If it is intended to maintain good faith towards Congress, and those who abhor repudiation ought certainly to provide for it. It makes no difference with the Territory, in a pecuniary point of view, whether this pretended claim is paid by a direct tax in the first instance, or whether it be abstracted in bad faith from a fund which virtually does not belong to the Territory. In both cases the people must be virtually taxed to pay the debt of another, for which they are in no manner liable, contracted in building a water power for which they have no use; and in the latter case, there is a still further violation of trust, by wrongfully taking the money of another for the purpose of paying such debt.

Your committee therefore recommend that the prayer of the memorialist be not granted.

All of which is respectfully submitted.

## REPORT

OF THE SELECT COMMITTEE APPOINTED UNDER A RESOLUTION OF  
THE COUNCIL TO ASCERTAIN WHAT AMOUNT OF SCRIP AND  
BONDS ARE IN THE TERRITORIAL TREASURY WHICH THE SEC-  
RETARY IS AUTHORIZED AND INSTRUCTED TO PAY.

The undersigned, a committee appointed under a resolution of the Council to ascertain what amount of scrip and bonds are in the Territorial Treasury which the Secretary is authorized and instructed to pay, beg leave to

### REPORT :

That they have called upon the Secretary of the Territory, and ascertained from him that he was instructed to pay the following claims, the receipts for which are in the treasury, and for which scrip has been issued, to wit :

S. Y. Scoville,	\$145 00
James Morrison,	163 32
C. S. Peaslee,	13 00
S. Mills,	5 00
Henry O. Sholes,	10 00
Wallace Mygatt,	25 00
John F. Mead,	270 00
C. C. Sholes,	2336 00
George Hyer,	150 00
Boyd Phelps,	200 00
William D. Daggett,	733 35
I. J. Emerson,	126 00
John Graham,	175 00

Amounting to,	<u>\$4351 67</u>
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Of the claims aforesaid, your committee found in the treasury \$3462 62 in scrip, which the Secretary admitted he was instructed to pay on the surrender of the scrip.

Your committee also found the following receipts in the treasury, upon which scrip has been issued, to wit :

J. A. Hibbard,	\$15 00
L. Janes,	261 00
D. A. J. Upham,	253 50
John F. Potter,	210 00
W. S. Derring,	175 00

Amounting to, \$914 50

Of the above claims, your committee found scrip in the treasury to the amount of \$814 50, which the Secretary of the Territory did not admit that he was instructed to pay, but which your committee believe the said Secretary has received funds to pay, and which ought to be paid.

Your committee found no territorial bonds in the treasury which they thought were properly chargeable to the arrearage fund in the hands of the Secretary; but as it has been the practice to surrender bonds to the Auditor and receive warrants for the same, it is probable that there may be some in the Auditor's hands which is properly chargeable to the arrearage fund.

From the above statement it will appear that there is in the hands of the Treasurer of the Territory the sum of \$427 12, in territorial scrip, which the Secretary of the Territory is instructed to pay by the Treasury Department, being part of the \$13,748 41 received by the Secretary to pay arrearages.

JNO. H. ROUNTREE,  
JOHN CATLIN,  
M. FRANK,

Select Committee.

Madison, Jan. 24, 1846.

## REPORT

### OF THE MAJORITY OF THE SELECT COMMITTEE ON TERRITORIAL BONDS.

A majority of the select committee to whom was referred a resolution of the Council instructing them to inquire into the expediency of providing for the payment of the canal bonds out of the proceeds of the sales of the canal lands, respectfully

#### REPORT:

That they have examined the subject submitted to them with care, and an earnest desire to arrive at such conclusions as justice and the honor of the Territory require ; but owing to want of time and the urgent pressure of other business, they are unable in this report to give their reasons at length, but will briefly state their views and conclusions on the subject of inquiry submitted.

There were three loans negotiated by Mr. Kilbourn, the agent—one in the city of New York for \$5,000 ; one in Cincinnati for \$1,000, and one in Albany for \$5,000.

Let us examine them in their order. It appears to the majority of the committee, that the laws of 1839 and 41 relative to the canal loan, when construed together as they should be, the latter being "supplementary" and auxiliary to the former, did authorize the Governor to appoint an agent to negotiate the loan. The first section of the former act, which is expressly re-enacted, except in certain specified particulars, by the act of '41, in speaking of the loan says, "when the same shall be received by the proper *agent* on behalf of the Territory;" which agent the 20th section of the same act authorizes the Governor to appoint, for the purpose of obtaining the loan and keeping and transferring it.

But independent of all statutory provision, the Governor possessed this power as incidental and necessary to the execution of the trust, as it is not to be presumed it was intended

that he should leave the Territory and his executive duties to discharge those of a mere agent.

The Governor having power to appoint an agent, it necessarily follows, that the agent when appointed had the same authority under the law to contract the loan as the Governor. And what was that? To obtain it by a sale of the bonds at par in cash funds, and at an interest of seven per cent. from the time they were negotiated. These conditions were, as the committee conceive, substantially complied with in making the New York loan. They are of the opinion, that the several provisos in sec. 2 of the act of '41 were not intended to govern the action of the person loaning the money, to direct him what he must do before he loaned his money, but to declare to the agent and officers what they should do with it after it was obtained. It cannot reasonably be presumed that the Legislature intended to require of the lender any thing more than the delivery of the money to the proper agent, not to impose on him over whom they had no control, duties, and those unusual, not to say unprecedented in like transactions, and which it was the peculiar province of its agents to perform. Certainly a thing so novel, if it had been so intended, would have been expressed in no doubtful terms—it would not have been left to remote inference.

The undersigned are brought to this conclusion from various considerations which they cannot here state; but they will allude to one fact, and that is this—the 20th section of the act of '39 expressly authorized the agent to obtain, keep and transfer the loan, and they cannot perceive that the act of '41 intended to take away or limit this power so far as the obtaining and deposit of the loan is concerned.

The possession of the bonds under the great seal of the Territory, signed by the Governor and countersigned by the Secretary, together with the laws authorizing their issue and pledging the canal lands for their redemption, were *prima facie* evidence of Mr. Kilbourn's authority to negotiate the bonds—they were sufficient, if not his sole and only warrant to make the loan. The persons of whom he obtained the money were not bound to inquire for other or more specific authority. It is well settled, that the principal is bound by



the acts of his agent, if he does not exceed the power with which he is ostensibly invested. This rule has been adopted in favor of commerce and to prevent frauds.

But, it is said, the agent was not authorized by his power of attorney from the Governor to deliver the bonds, until the lender had first deposited the money subject to the order of the receiver and obtained a certificate therefor. To this, it may be replied, that these were in the nature of secret instructions, they were not required by the law; the agent had, ostensibly at least, a sufficient warrant of attorney without this, and therefore third persons could not be injuriously affected by it. It might be seriously questioned indeed, whether the Governor had power to impose restrictions on the agent not contemplated by the law, so as to operate to the prejudice of a person making a loan to the agent in conformity to the law. At all events, these secret instructions, these limitations in a private commission of broader powers granted in a public and more general commission, to wit. the laws authorizing the loan and the possession of the bonds duly signed and sealed, should have been brought home to the knowledge of the person making the loan, in order to affect him. This knowledge it is incumbent on the Territory to show Mr. Doughty had, prior to the loan, to sustain even a plausible defence on this ground. Without this express notice, he was justified in making the loan, not only from the face of the bonds and the laws authorizing their issue, but from the usual custom in the negotiation of state bonds, they being drawn payable to bearer, as was the case of these bonds, and passing in the market from hand to hand, without endorsement, guarantee, or written assignment, and although not technically perhaps placed on the same footing with bills of exchange, yet they are regarded and treated in the stock-market as negotiable like them.

It is said the agent paid a bonus of \$1000 on the N. York loan, and thus exceeded his authority. But he paid it out of his own funds, the Territory suffered nothing by it. The doctrine is as old as the civil law, that if an agent is authorized to buy land at \$50 per acre, and he buys at \$51 per acre, and pays the \$1 excess out of his own pocket, the principal is bound by the contract.

It is further objected, that interest was to be paid only from the time the money was borrowed, and that these bonds were dated two or three months previous to their being negotiated, and purport to draw interest from date.

It is well settled by authorities cited in 1 Livermore on Agency, pps. 98 and 99, that a slight excess of authority exercised by an agent in negotiations of this nature, will not vitiate the whole transaction, but the principal shall be holden for the premium or loan, abating the excess. So here, the Territory is liable for the money borrowed and the interest from the day it was obtained, and the agent is liable for the excess of interest. The commission is substantially executed, and the principal should be bound to that extent.

Although out of its natural order, the committee will briefly answer one further objection which is urged, to show the law did not contemplate that the agent should receive the money and make the deposite. It is this, he was not required to give bonds. This no doubt was a defect in the law, but it is an omission of which the Territory cannot avail herself on which to found an argument which shall operate to the prejudice of those who have dealt with her under the law in good faith. No bond was required of the agent under the act of '39, and yet that law expressly authorized the agent to obtain, keep and transfer the money.

But let us look at this loan made by Mr. Doughty a moment aside from all technicalities, and see if it was not made in good faith, agreeably to the spirit of the law, and the agent's authority, and whether the objects sought to be accomplished by this loan have not been substantially effected. \$5,000 of cash funds were received of Mr. Doughty by the agent of the Territory, at 7 per cent. interest, for five bonds of \$1000 each, and all the money has been expended upon the canal on contracts authorized and approved by the proper officers of the Territory. There is no complaint of bad faith or collusion on the part of Mr. Doughty, none of a loss or even of a misapplication of the loan. The money has been had and used, and the Territory is benefitted to the extent contemplated by the law so far as this loan extends. It may be said, one fourth of the money was to have been expended on the western termin-

ation of the canal, which was not done. But the committee cannot perceive how the lender's rights are to be affected by the misapplication of the funds after they were borrowed; how he is to be made responsible for the faithful discharge of the duties imposed on the agents of the Territory? When he had paid over the money and received the bonds the loan was complete, and his claim valid. Besides, as things have occurred, it is fortunate that none of this loan was expended on the western termination of the canal. Had it been, it would have been a dead loss, being too small a sum to accomplish any thing effectual; whereas it has been all judiciously applied at the eastern termination. So that instead of complaining the Territory should congratulate herself that none of this loan was idly squandered where it would have been useless.

This loan having been expended on the eastern termination of the canal, whence has resulted a valuable water power, the Territory can avail herself of the product or value of this loan by receiving to this amount an issue of certificates of canal stock under the law, and as contemplated by the law which authorized the loan. Hence we lose nothing.

The committee are further satisfied that Mr. Doughty received these bonds on the faith of the Territory, that he still holds them, and is looking to and patiently awaiting the action of the Legislature to receive of the Territory the instalments of interest now due thereon.

It is unnecessary to examine into the history of the one thousand dollar bond negotiated in Cincinnati, as it has been uniformly conceded by all, that inasmuch as the money obtained on it was received and disbursed by the canal commissioners it should be paid.

In relation to the bonds disposed of in Albany, the committee would briefly remark, that they are of the opinion that these were not bought on the faith and credit of the Territory. The agent has never disclosed either officially or otherwise, as the committee are aware, to whom, in what manner, or on what terms they were sold. No application has ever been made by the holder to the Territory for payment, and it appears to the committee to have been a private loan of the company, made out of personal friendship to the agent, the bonds

being pledged as merely collateral security for its payment.

The undersigned are of the opinion, with the present light they have on the subject, that the Territory is not bound to assume the payment of these bonds negotiated or rather pledged as they are induced to believe they were. But it may be a matter of serious inquiry, if the money realized from this loan was expended on the canal, whether the avails of the canal lands already sold should not in equity be eventually applied to its payment.

Upon a full view of the case then, so far as the undersigned have been able to examine it, they are satisfied that the Territory ought to pay the bond negotiated in Cincinnati, and the five bonds sold in the city of New York, and no others of this issue. They are further of the opinion, that the non-payment of Mr. Doughty's claim cannot be urged except upon the merest technical grounds, and that however the law literally construed according to its most rigid, inflexible and technical rules might decide, yet its true and genuine spirit, and the eternal principles of equity and justice demand its recognition and payment.

The undersigned cannot but remark before closing, upon the novel circumstance, one which may well excite surprise, that an agent, the mere trustee, should be more strict and capacious, and less liberal and just in the application of trust funds than the principal. The owner of the fund, the general government may well enquire, "who has required this at your hands?"

The undersigned would not so far forget the decent respect which is due to the Legislative Assembly, as to pass censure on any of their acts, but they cannot forbear to express their belief, that should they in their wisdom refuse to recognize this loan, and fail to make provision for its payment out of the trust fund, which is ample, our common country and the world would stigmatize the transaction with the odious epithet of *repudiation*.

By a law passed at the last session of the Legislature, the canal lands are to be sold on the second Tuesday of April next. When this sale takes place there will be ample funds arising from this source to pay what is due on the six bonds above

named, which the undersigned conceive should be paid, to say nothing of the large amount now due on the lands already sold. The proceeds of the sales of these lands by two successive acts of the Legislative Assembly and by the express declaration of the bonds themselves, are "inviolably pledged" to pay the money loaned for the construction of the canal. We have said to these our creditors by acts the most solemn and binding, lend us your money, and we will pay you from the proceeds of the lands entrusted to us for that purpose. Shall we now do so?—Is it not expedient, is it not just we should do it?

In conclusion, the undersigned committee cannot but express their hope and belief that upon mature reflection, and "the sober second thought," the Legislature, for the honor, the future credit and fair fame of our Territory, now about to join the great sisterhood of confederated States, will make provision for the payment of the instalments and interest now due and to become due on these bonds out of the moneys arising from the sale of the canal lands; a measure which the undersigned believe is not only expedient but in itself right and just.

They therefore recommend the passage of the bill which accompanies this report.

All of which is respectfully submitted.

C. M. BAKER,  
MOSES M. STRONG.

The undersigned assents to the foregoing report, but in justice to his opinions on the subject, he feels called upon to state that he dissents from that part of the report which denies the liability of the Territory for the five bonds sold at Albany.

MOSES M. STRONG.

**COMMUNICATION**

FROM THE TREASURER OF THE TERRITORY.

*Treasurer's Office,* }  
MADISON, January 27, 1846. }

*To the Legislative Council of the Territory of Wisconsin :*

In accordance with a resolution of your honorable body of the 26th ult., I presented certain scrip in the Treasury of the Territory (which was selected by a committee of the Council,) to the Secretary of the Territory for payment. The Secretary informed me that he is liable to pay \$1,051 62 of the scrip presented to him as aforesaid; but has not the money on hand at this time to meet said amount, but will procure it soon. The balance of said scrip he does not feel authorized to pay until further instructed by the Secretary of the United States.

All of which is respectfully submitted.

JONATHAN LARKIN, JR.

Treasurer, W. T.



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